



PLANNING COMMISSION
REGULAR MEETING AND PUBLIC HEARING
THURSDAY, JUNE 23, 2016
6:00 – 9:00 PM
COUNCIL CHAMBER
280 MADISON AVE N
BAINBRIDGE ISLAND, WA 98110

AGENDA

- 6:00 PM CALL TO ORDER**
Call to Order, Agenda Review, Conflict Disclosure
- 6:05 PM PUBLIC COMMENT**
Accept public comment on off agenda items
- 6:10 PM ORDINANCE 2016-15 HISTORIC PRESERVATION PROGRAM**
Public Hearing
- 6:45 PM PUBLIC COMMENT ON COMPREHENSIVE PLAN UPDATE**
- 6:55 PM 2016 COMPREHENSIVE PLAN UPDATE**
- Revised History Section of *Introduction* from Historic Preservation Commission
 - Consistency Check on DRAFT *Land Use Element*
 - Consistency Check on DRAFT *Economic Element*
 - Consistency Check on DRAFT *Water Resources Element*
- 7:50 PM PUBLIC COMMENT ON COMPREHENSIVE PLAN UPDATE**
- 8:00PM GENERAL LTD. SHORELINE MASTER PROGRAM AMENDMENT**
Study Session
- 8:55 PM NEW/OLD BUSINESS**
- 9:00 PM ADJOURN**

**** TIMES ARE ESTIMATES***

Public comment time at meeting may be limited to allow time for Commissioners to deliberate. To provide additional comment to the City outside of this meeting, e-mail us at pcd@bainbridgewa.gov or write us at Planning and Community Development, 280 Madison Avenue, Bainbridge Island, WA 98110

For special accommodations, please contact Jane Rasely, Planning & Community Development 206-780-3758 or at jrasely@bainbridgewa.gov



CITY OF
BAINBRIDGE ISLAND

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

MEMORANDUM

DATE: JUNE 23, 2016
TO: PLANNING COMMISSION
FROM: HEATHER BECKMANN
SENIOR PLANNER
SUBJECT: PUBLIC HEARING ON *HISTORIC PRESERVATION ORDINANCE REVISIONS*

I. BACKGROUND

On March 17, 2015, the City Council approved a work plan for the Historic Preservation Commission with a task to implement the revised Comprehensive Plan goals and policies related to historic preservation (adopted on 11/25/2013) by amending Bainbridge Island Municipal Code (BIMC) *Chapter 18.24, Historic Preservation Program*.

On November 19, 2015 the Historic Preservation Commission (HPC) briefed the Planning Commission (PC) on the existing historic preservation code and the proposed amendment. The PC had the opportunity to comment, ask questions, and direct the HPC and Staff on a proposed amendment. Overall, the PC proposed no substantive changes and the HPC and Staff proceeded to work on a revised ordinance.

On February 22, 2016, the HPC & Staff held an Open House to discuss the current ordinance and proposed amendment. The City invited approximately 2,500 homeowners of buildings over 50 years in age to attend the Open House. Approximately 100 people attended. Following that meeting, the HPC & Staff amended the ordinance to reflect some of the suggestions voiced at the Open House.

On April 28, 2016, the Planning Commission held a study session on Ordinance 2016-15. The Commission had some questions that are summarized in Attachment B. Further, a few wording suggestions were made to the Ordinance and suggestions were made to the Heritage Criteria. Further explanation on the changes made to the Heritage Criteria is included in Attachment B. The Planning Commission unanimously recommended that staff forward the amendments to

Title 2 and 18 to the May 19th Public Hearing. Due to scheduling constraints, the Hearing was scheduled for June 23, 2016.

Following the meeting, the historic commission co-chairs have held various meetings with interested members of the public to discuss their concerns with the ordinance. As a result, the commission added a section to the proposed ordinance to spell out and modify the review process for demolitions of register eligible properties (proposed BIMC 18.24.060). For ease of reference, staff is requesting that the attached *Criteria, Identification Approval and Appeals of Local Register Eligible, Local Register, Heritage Properties and Historic Island Farms Table* be added to the ordinance.

Planning Commission Action: Hold the Public Hearing and make a recommendation to the City Council on Ordinance 2016-15

Attachments

A. Ordinance 2016 – 15

B. Items discussed at April 28, 2016 Planning Commission Study Session

i. Special Valuation: A Local Tax Incentive Program handout

ii. RCW & WAC Special valuation criteria

C. Criteria, Identification Approval and Appeals of Local Register Eligible, Local Register, Heritage Properties and Historic Island Farms Table

ORDINANCE NO. 2016-15

AN ORDINANCE of the City of Bainbridge Island, Washington, relating to historic preservation; amending Bainbridge Island Municipal Code Section 2.16.050 Minor conditional uses, Chapter 18.24 Historic Preservation Program and Section 18.36.030, Definitions.

WHEREAS, the City Council approved a work plan for the Historic Preservation Commission on March 17, 2015 to include amending the BIMC Chapter 18.24 *Historic Preservation Program*; and

WHEREAS, the suggested amendments were presented to the Planning Commission who directed staff to bring forward an ordinance to implement the changes; and

WHEREAS, the historic preservation commission and staff held an Open House on February 22, 2016 to discuss the proposed amendments with members of the public; and

WHEREAS, the planning commission conducted a study session on Ordinance No. 2016-15 on April 28, 2016 and conducted a public hearing on June 23, 2016; and

WHEREAS, the City Council discussed Ordinance No. 2016-15 on X, 2016 and conducted a public hearing on X, 2016; and

WHEREAS, notice was given on X, 2016 to the Office of Community Development at the Washington State Department of Commerce in conformance with RCW 36.70A.106;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF BAINBRIDGE ISLAND, WASHINGTON, DOES ORDAIN, AS FOLLOWS:

Section 1. Section 2.16.050 of the Bainbridge Island Municipal Code is amended to read as follows:

F. Heritage and Local Register Conditional Use Decision Criteria. A proposal to modify development standards (such as setbacks, open space, lot coverage, landscape buffers, and parking requirements) and/or to allow a use for otherwise permitted for a structure on the local and/or Heritage Register shall meet the following criteria:

1. BIMC 2.16.050.D 1-10, Nonagricultural Minor Conditional Use Decision Criteria, and
2. The use shall be compatible with the existing design and/or construction of the structure without significant alteration.

Section 2. Chapter 18.24 of the Bainbridge Island Municipal Code is hereby amended to read as follows:

**Chapter 18.24
HISTORIC PRESERVATION PROGRAM**

Sections:

- 18.24.010 Purpose and relationship to zoning and building codes.
- 18.24.020 Historic preservation commission.
- 18.24.030 List of heritage properties.
- ~~18.24.0340~~ Local register of historic places.
- ~~18.24.0450~~ Changes or alterations to historic or register eligible properties ~~located on local register~~-requiring a building permit.
- 18.24.060 Demolition of register eligible properties.
- 18.24.070 Demolition of historic properties.
- ~~18.24.0580~~ Appeal of ~~denial of a waiver or a certificate of appropriateness~~-process.
- ~~18.24.0690~~ Review and monitoring of properties for special property tax valuation.
- ~~18.24.07100~~ Fort Ward historic overlay district.
- 18.24.110 Heritage tree register.
- 18.24.120 Historic sign program.
- 18.24.130 Historic island farms.

18.24.010 Purpose and relationship to zoning and building codes. 

A. Purpose. The purpose of this chapter is to provide the process and standards for identifying, evaluating and protecting historic resources within the city ~~and for preserving and rehabilitating eligible historic properties within the city for future generations through a special valuation tax incentive~~ in order to:

1. Safeguard the heritage represented by those buildings, objects, sites and structures that reflect significant elements of the city’s history;
2. Foster civic and neighborhood pride in the beauty and accomplishments of the past;

3. Stabilize or improve the aesthetic and economic vitality and values of such buildings, objects, sites and structures;
4. Assist, encourage and provide incentives to private owners for the preservation, restoration, redevelopment and use of historic buildings, objects, sites and structures;
5. Promote and facilitate the early identification and resolution of conflicts between preservation of historic resources and alternative land uses; and
6. Conserve valuable material and energy resources by ongoing use and maintenance of the existing built environment.

This chapter also sets forth the provisions of the Fort Ward historic overlay district.

B. Relationship to Zoning and Building Codes. Nothing contained in this chapter shall be construed to repeal, modify or waive any zoning, land use or building codes, laws, ordinances or regulations that are otherwise applicable to ~~property~~ historic properties ~~listed on the local register~~, unless as provided by Zoning Code Relief. (Ord. 2011-02 § 2 (Exh. A), 2011)

C. Zoning Code Relief. Designated Register and Heritage properties may be authorized for a use not otherwise permitted in a certain zone. The director may approve said use through an Administrative Conditional Use (BIMC 2.16.050). The director may also waive or modify development standards such as: setbacks, open space, lot coverage, landscape buffers and parking requirements.

18.24.020 Historic preservation commission.

A. Creation. The Bainbridge Island Historic preservation commission is hereby established, to operate and act in accordance with the provisions of this chapter.

B. Composition of the Commission.

1. The commission shall consist of seven members, who shall be appointed by the mayor and approved by the city council in accordance with this chapter. The commission shall include at least three members who have experience in identifying, evaluating and protecting historic resources and who are selected from among the disciplines of history, architecture, landscape architecture, architectural history, historic preservation, planning, cultural anthropology, archaeology, biology, geography, cultural geography, American studies, law, and real estate, referred to in this chapter as the “professional positions.” An action taken by the commission shall not be invalid due to the temporary vacancy of any or all of the professional positions, unless the certification agreement between the city and the State Historic Preservation Office (SHPO) provides otherwise.

2. All members of the commission must have a demonstrated interest and competence in historic preservation and possess qualities of impartiality and broad judgment.

3. All members of the commission shall serve without compensation.

4. Members shall not be employees or officers of the city or appointed to another city committee, board or commission, except for specialized committees or task forces of limited duration.

5. The commission shall select from among its members a chairperson and such other officers as may be necessary to conduct the commission's business for a one-year term at the first regular meeting of the year.

C. Term of Commission Members. Appointments shall be made for three-year terms, commencing on July 1st and ending on June 30th three years later. Members shall be appointed to a position number, and the terms are to be staggered, with no more than three positions expiring in any given year. A member may be reappointed, and shall hold office until his or her successor has been appointed and has qualified. No member shall serve more than three consecutive terms unless the city council determines that special expertise is required, or there are no other qualified applicants.

D. Vacancies – Removal. Members may be removed upon a majority vote of the city council. In the event of a vacancy, the mayor, subject to confirmation of the city council, shall make an appointment to fill the unexpired portion of the term of that position in accordance with the city's appointment cycle. Unexcused absence by any member from three consecutive meetings shall constitute grounds for removal.

E. Powers and Duties. The commission shall:

1. Establish, maintain and periodically update a local historic inventory, which inventory shall be maintained in a form compatible with the state inventory, and may cooperate with, and advise the city council as requested on contracting with, the Bainbridge Island Historical Society or others, in connection with the establishment and maintenance of the inventory;

2. Establish and maintain the local register of historic places, as provided in BIMC 18.24.040;

3. Establish and maintain the Heritage register and identify Local Register-eligible properties as provided in BIMC 18.24.030 and 18.24.040;

4. Review nominations to the Local Register and designate properties for listing on the register, in accordance with BIMC 18.24.040;

3. 5. Review nominations to the list of Heritage properties as provided for in BIMC 18.24.030 and make recommendations to City Council for final designation;

6. Participate in the review process for nominations to the National Register of properties ~~within the city's boundaries~~, in accordance with the procedures established by the Washington State Department of Archaeology and Historic Preservation SHPO;

7. Review proposals to alter, reconstruct, remodel or restore the exterior of, move or demolish register eligible, Local Register and Heritage properties as provided in BIMC 18.24.050, 18.24.060 & 18.24.070;

8. Provide resources and advocacy for historic preservation consistent with comprehensive plan policy HP 1.2, which may include but are not limited to:

a. Participation in or promotion of public educational programs;

b. Fostering historic preservation through recognition of excellence in restoration of historic buildings, structures or sites;

c. Advising the city council or the planning commission as requested on matters of city history and historic preservation or actions affecting the historic resources of the city; and

d. Maintaining information on federal or state historic preservation programs, funding sources or incentives;

9. Serve as the local review board for the special valuation of historic property, and in that capacity determine and monitor the eligibility of historic property for special valuation in accordance with BIMC 18.24.090; ~~and~~

~~10. Review proposals to alter, reconstruct, remodel or restore the exterior of specific Fort Ward buildings as identified in Fort Ward Overlay District, BIMC 18.24.100;~~
~~and~~

11. Coordinate and collaborate with the Design Review Board when heritage and local register properties are subject to design review;

12. Provide review and SEPA comments on projects that include a historic property;

13. Review nominations to the heritage tree register as provided in BIMC 18.24.110;

14. Review suggestions for city road end historical signage as provided in BIMC 18.24.120;

15. Compile a list of qualified Historic island farm properties as provided in BIMC 18.24.130;

16. Report an annual work plan to the city council with a proposed budget. ~~prior to the start of the budget process.~~

F. Rules and Standards of Commission.

1. The commission shall establish and adopt rules prescribing forms, standards and procedures consistent with applicable law, as necessary to carry out its duties. Standards for review under BIMC 18.24.030.A and 18.24.040 shall be based in part, and to the extent applicable, on the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation, 48 CFR 44716, as updated and supplemented by the National Park Service, and the Secretary of the Interior's Standards for Rehabilitation, 37 CFR 67, as amended. All actions of the commission shall be carried out in accordance with its rules.

2. The commission shall meet at least monthly. Meetings shall be open to the public and held in accordance with the Open Public Meetings Act (Chapter 42.30 RCW).

3. For meetings consisting of a majority of the then serving voting members of the commission, the commission shall provide public notice of the meeting and shall keep a record of its meeting minutes. Minutes of each meeting, including a record of attendance, shall be prepared by the secretary and approved and signed at a subsequent meeting. The minutes do not need to reflect the actual discussion, but only the formal actions taken by the commission. The approved meeting minutes shall be posted on the city's web site.

4. The city shall provide city email accounts to voting members and related training on the use of email accounts, including personal computer privacy expectations while serving on the commission.

5. A majority of the voting members then serving on the commission shall constitute a quorum.

6. Members shall sign a conflict of interest statement in accordance with the city's ethics program upon appointment and any reappointment. (Ord. 2014-22 § 1, 2014: Ord. 2011-02 § 2 (Exh. A), 2011)

18.24.030 List of heritage properties

A. The commission shall review nominations of properties to be included on the List of Heritage Properties, a limited list of exemplary properties that the City has prioritized for long term

preservation. Any building, structure, site or object, whether publicly or privately owned, may be nominated for listing as a Heritage Property.

OPTION A

B. Criteria for Listing. A property that meets each of the following criteria is eligible for listing.

1. Its loss would mean a diminution of the Island's special character;
2. It must be eligible for at least two of the eligibility criteria for the Local Register of Historic Places;
3. It must retain its original architectural integrity, having no major exterior alterations or additions;
4. It is a significant contributor to its neighborhood's character; and
5. It is visibly accessible to the public.

OPTION B

B. Criteria for Listing. A property that meets each of the following criteria is eligible for listing.

1. It must be publicly owned;
2. Its loss would mean a diminution of the Island's special character;
3. It must be eligible for at least two of the eligibility criteria for the Local Register of Historic Places;
4. It must retain its original architectural integrity, having no major exterior alterations or additions;
5. It is a significant contributor to its neighborhood's character; and
6. It is visibly accessible to the public.

C. Process for Designating Properties on the List of Heritage Properties.

1. Properties may be nominated by;
 - _____ a. The owner,
 - _____ b. The commission, or
 - _____ c. The city council.

2. The commission shall examine each property and make a recommendation to city council, based on Heritage criteria, whether the property is eligible for Heritage consideration.
3. Property owners and the general public may bring properties to the attention of the commission for eligibility consideration.
4. Once a recommendation has been made, the commission shall notify the property owner and Planning and Community Development that the property is eligible for Heritage listing.
5. The property owner may petition the commission for reconsideration of its recommendations. The owner has 30 days to provide additional information to the commission which will arrange a meeting with the owner to review the petition.
6. ~~If owner and Commission cannot agree on the determination the owner can appeal to the Planning Director.~~
7. Once the commission has made its recommendation and any petition for reconsideration, the recommendation shall be forwarded to the city council for a final determination. The council shall have 60 days to issue its determination subsequent to receipt of recommendation from the commission.
8. Once a property is placed as a Heritage Property, the property owner is expected to provide ordinary maintenance to the property to prevent deterioration and decay which threaten the historic features of the property.
9. If listed as a Heritage Property, the City shall make available a sign to place on the property indicating the historic designation.

D. Removal of Properties from the List of Heritage Properties. Properties may be removed from the List of Heritage Properties only by the commission, and concurrence by the council, if the commission and council determine the property no longer meets the criteria for inclusion.

18.24.0340 Local register of historic places.

A. Criteria for Designating Properties for Listing on the Local Register. Any building, structure, site or object, whether publicly or privately owned, may be designated for listing on the local register if it is significantly associated with the history, architecture, archaeology, engineering or cultural heritage of the community; it has physical integrity; it is at least 50 years old or is of lesser age but has exceptional importance; and it qualifies as at least one of the following:

1. Is associated with events that have made a significant contribution to the broad patterns of national, state, or local history;
2. Embodies the distinctive architectural characteristics of a type, period, style, or method of design or construction, or represents a significant and distinguishable entity whose components may lack individual distinction;
3. Is an outstanding work of a designer, builder, or architect who has made a substantial contribution to the art;

4. Exemplifies or reflects special elements of the city's cultural, ~~special~~, economic, political, aesthetic, engineering, or architectural history;
5. Is associated with the lives of persons significant in national, state, or local history;
6. Has yielded or may be likely to yield important archaeological information related to history or prehistory;
7. Is a building or structure removed from its original location but that is significant primarily for architectural value, or that is the only surviving structure significantly associated with an historic person or event;
8. Is a birthplace or grave of an historical figure of outstanding importance;
9. Is a cemetery that derives its primary significance from age, from distinctive design features, or from association with historic events, or cultural patterns;
10. Is a reconstructed building that has been executed in a historically accurate manner on the original site;
11. Is a creative and unique example of folk architecture and design created by persons not formally trained in the architectural or design professions, and that does not fit into formal architectural or historical categories; or
12. Is listed on the National Register or the State Register.

B. Process for Determining Properties eligible for the Local Register.

1. The commission shall use the current historic property inventory as a base list to determine which properties may be eligible. However, being on the inventory list is not a necessary prerequisite for eligibility determination.
2. The commission shall examine each property and make a determination, based on Local Register criteria, whether the property is eligible for the Local Register.
3. Property owners and the general public may bring properties to the attention of the commission for eligibility determination consideration.
4. Once determination has been made, the commission shall notify the property owner and Planning and Community Development that the property is eligible for Local Register.
5. The property owner may petition the commission for reconsideration of its determination. The owner has 30 days to provide additional information to the

commission. The Commission will arrange a meeting with the owner to review the decision within 60 days of receipt of the additional information.

6. If the owner and commission cannot agree on the determination, the owner may appeal the decision of the commission to the Planning Commission.

C. Process for Designating Properties for Listing on the Local Register.

1. Any person, including the commission or any commission member, may nominate a building, structure, site, or object for listing on the local register; provided, that no property shall be nominated without the prior written consent of the owner.

2. The nomination shall include, when possible, the tax parcel number (and the UTM reference, if required for compatibility with the State Register) and a description of all interior and exterior features and outbuildings that contribute to its designation.

3. In reviewing the nomination, the commission shall consider the local inventory and the city's comprehensive plan, and the merits of the nomination, according to the criteria in subsection A of this section, and shall proceed according to the nomination review standards established in the commission's rules.

4. The commission shall provide public notice of the date, time and location of the meeting during which it will consider the designation nomination. Written notice of the date, time and location of the meeting shall be provided no later than 10 days prior to the meeting to the nominator, the owner(s) of public record and the lessees, if any, of the subject property. The commission shall further publish at least one notice of the meeting in a newspaper of general circulation in the city. The commission shall also post a notice on a conspicuous location on the subject property.

5. If the commission finds that the nominated property is eligible for listing on the local register, the commission shall list the property on the register, with the consent of the owner of the property. The commenters, property owner, nominator and lessees, if any, shall be notified in writing of the listing no later than 30 days after the listing.

6. Once a property is placed on the local register the property owner is expected to provide ordinary maintenance to the property to prevent deterioration and decay which threaten the historic features of the property.

7. Properties listed on the local register shall be identified in the planning database maintained by the city and the listing shall be forwarded to the Kitsap County assessor for identification of the historical property in the Kitsap County zoning records.

7. If a property is added to the local register a notice of that status shall be added on the property title records.

8. The City shall make available a sign to place on the property indicating the historic designation.

D. Removal of Properties from the Local Register. Properties listed on the local register or eligible for the local register may be removed from the register only by the commission in accordance with this section. The commission may remove any property from the local register or eligible for the local register, with or without the owner's consent, if the commission deems the property no longer appropriate for designation to the local register or eligible for the local register because it no longer satisfies the original criteria in support of its designation. The procedure for removal shall be established by the commission and shall include the procedures for notification to the public and interested parties set forth in subsection B.4 of this section. (Ord. 2011-02 § 2 (Exh. A), 2011) If a property is removed from the historic register a notice of that change in status shall be added to the title records. (Ord. 2011-02 § 2 (Exh. A), 2011)

18.24.050 Changes or alterations to historic or register eligible properties located on local register requiring a building permit.

A. Review Required. No person shall alter, reconstruct, remodel or restore the exterior perform any work to of a historic or register eligible property listed on the local register, other than ordinary repair or maintenance, emergency repair measures, or total or partial demolition, without a review by, and issuance of a certificate of appropriateness from the commission. Historic properties require a certificate of appropriateness or a waiver and register eligible require review and comments from the commission. In the case of a total or partial demolition of the property, a waiver of the certificate of appropriateness must be obtained from the commission prior to the demolition, in accordance with subsection B of this section. Failure to obtain the required certificate of appropriateness or waiver from the commission shall be grounds for removal of the property from the local register.

B. Review Process.

1. The building official shall notify the commission of any application for a permit to alter, reconstruct, remodel or restore the exterior perform work on or to demolish a historic or register eligible property listed on the local register. If the activity is not exempt from review, the commission shall notify the applicant of the review requirements.

2. The types of review varies by the type of property and is provided below:

a. Properties identified as register eligible receive comments from the commission after review of the building permit application. The commission may request the

applicant to attend a meeting to discuss the proposal. The building official shall not issue a permit without comments from the commission.

b. Local register properties require a review and determination from the commission in the form of a certificate of appropriateness or waiver prior to the issuance of any permit from the building official.

c. Heritage properties require a review and recommendation from the commission to the planning director. The planning director shall issue a certificate of appropriateness or waiver prior to the issuance of any permit from the building official.

~~2. The applicant shall apply to the commission for a review of the proposed work to Heritage and Local Register properties listed on the local register, and request a certificate of appropriateness or, in the case of demolition, a waiver. Each application for review of proposed changes shall be accompanied by all information required by the commission pursuant to its established rules for review. Reviews shall be based on the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation, 48 CFR 44716, as updated and supplemented by the National Park Service, and the Secretary of the Interior's Standards for Rehabilitation, 37 CFR 67, as amended.~~

3. For register eligible properties, the building official shall route the building permit to the commission for review and comment. The commission's review may last no longer than 45 days from the time of receipt of the permit.

4. For local register and heritage properties, the commission shall meet with the applicant and review the proposed work in accordance with the standards established in the commission's rules. Unless required by another ordinance or law, the commission shall not be required to provide public notice of the application. In the case of an application to perform work to the property, the commission shall complete its review and make its decision within 45 days after the date of receipt of the application. If the commission is unable to process the request within this time period, the commission may reasonably extend its review period for another 15 days upon written notice to the applicant. If the commission fails to issue a decision within 60 days of receiving the application, the application shall be deemed approved and the commission shall issue a certificate of appropriateness to the building official for local register properties or a recommendation to the planning director for heritage properties.

~~4. As part of the review process for an application to demolish or partly demolish the property, the applicant shall meet with the commission in an attempt to find alternatives to demolition. These negotiations may last no longer than 45 days from~~

~~the initial meeting with the commission, unless either party requests an extension, in which case the negotiations may be extended for up to an additional 30 days. If no alternative to demolition has been agreed to within 45 days from the initial meeting with the commission, plus any extension, the commission shall approve or deny the application for a waiver and advise the official in charge of issuing a demolition permit of the decision. If the commission fails to issue a decision within 45 days from the initial meeting with the commission, plus any extensions, the application shall be deemed approved and the commission shall issue an unconditional waiver. When issuing a waiver, the commission may reasonably impose conditions designed to mitigate the loss of the property from the register. Property that is wholly demolished shall be removed from the register. Property that is partially demolished may be removed from the register, if deemed appropriate by the commission.~~

5. The commission and director's decision on any application shall be in writing and shall state the findings of fact and the basis for its decision. Any conditions to the certificate of appropriateness or waiver recommended by the commission or director and accepted by the applicant in this review process shall become conditions of approval of the permits issued. If the owner accepts the commission or director's recommendations and conditions, a certificate of appropriateness or a waiver shall be issued by the commission or director according to standards established in the commission's rules.

6. The commission or director's determination, recommendations and, if awarded, the certificate of appropriateness or a waiver shall be transmitted to the building official. If a certificate of appropriateness or waiver is awarded, the building official may then issue the permit.

7. If a certificate of appropriateness or waiver is denied, the building official shall not issue the permit.

~~a. If a property is added to the historic register a notice of that status shall be added on the property title records.~~

~~b. Removal from Historic Register. If a property is removed from the historic register a notice of that change in status shall be added to the title records. (Ord. 2011-02 § 2 (Exh. A), 2011)~~

18.24.060 Demolition of register eligible properties.

A. A demolition permit is subject to the review process described below prior to the demolition of any register eligible property:
.....

1. The applicant shall prepare a report for the commission analyzing the following alternatives (listed in descending order of preference) explaining why each alternative is or is not feasible:

a. Redesigning the project to avoid any impact to the historical structure or its setting;

b. Incorporating the structure into the overall design of the project;

c. Converting the structure into another use (adaptive use);

d. Selling the structure at no more than fair market value to an owner who will maintain the historic structure;

e. Relocating the structure on the property;

f. Relocating the structure to another property;

g. Salvaging from the structure historically significant architectural features and building materials; and

h. Documenting the structure as a whole and its individual architectural features in photographs, drawings, and/or text. Such documentation shall be submitted to, and archived by, the planning and community development department.

4. The review process for an application to demolish or partly demolish the property may last no longer than 45 days from the time of receipt of required information. The City shall notice the request to demolish the property following the noticing requirements in BIMC 2.16.020.K.5.

5. The applicant shall submit supporting documentation and, if requested, meet with the commission. The commission shall submit comments to the Planning Director, including suggestions for mitigation.

6. Possible mitigation measures include:

a. Documenting the historic resource, including photographic images of the building, architectural elements (both interior and exterior), special features and streetscapes.

b. Coordination with the commission to determine architectural features and materials eligible for salvage and reuse.

c. The owner shall provide plaques or informational signs to identify the demolished historic structure.

7. The Planning Director reviews the following:

a. the applicant's report analyzing the alternatives;

b. the review process and if it satisfied the requirements of this section;

c. minutes from the historic preservation commission meeting(s);

d. any proposed mitigation and applicant's plan for compliance.

8. If the Director finds that the applicant completed the review process as described in this section, the Director shall direct the building official to issue the demolition permit, with or without mitigation.

18.24.070 Demolition of historic properties.

A. A certificate of demolition is required prior to the demolition of any historic property.

B. Review process for local register properties

1. The applicant shall prepare a report for the commission analyzing the following alternatives (listed in descending order of preference) explaining why each alternative is or is not feasible:

a. Redesigning the project to avoid any impact to the historical structure or its setting;

b. Incorporating the structure into the overall design of the project;

c. Converting the structure into another use (adaptive use);

d. Selling the structure at no more than fair market value to an owner who will maintain the historic structure;

e. Relocating the structure on the property;

f. Relocating the structure to another property;

g. Salvaging from the structure historically significant architectural features and building materials; and

h. Documenting the structure as a whole and its individual architectural features in photographs, drawings, and/or text. Such documentation shall be submitted to, and archived by, the planning and community development department.

4. The review process for an application to demolish or partly demolish the property may last no longer than 45 days. The City shall notice the request to remove the property from the register following the noticing requirements in BIMC 2.16.020.K.5.

5. The applicant shall submit supporting documentation and meet with the commission. If no alternative to demolition has been agreed to within 45 days from the initial meeting with the commission, plus any extension (for no more than 30 days), the commission shall approve or deny the application for a waiver and advise the official in charge of issuing a demolition permit of the decision. If the commission fails to issue a decision within 45 days from the initial meeting with the commission, plus any extensions, the application shall be deemed approved and the commission shall issue an unconditional waiver. When issuing a waiver, the commission may reasonably impose conditions designed to mitigate the loss of the property from the register. Property that is wholly demolished shall be removed from the register. Property that is partially demolished may be removed from the register, if deemed appropriate by the commission.

6. Possible mitigation measures include:

a. Documenting the historic resource, including photographic images of the building, architectural elements (both interior and exterior), special features and streetscapes.

b. Coordination with the commission to determine architectural features and materials eligible for salvage and reuse.

c. The owner shall provide plaques or informational signs to identify the demolished historic structure.

7. If the commission finds that there is no feasible alternative to demolition, the commission shall issue a certificate of demolition. The commission may attach conditions to the certificate to mitigate the loss of the historic property. The certificate and any conditions shall become conditions of approval of the

demolition permit issued. After the property is demolished, the commission shall initiate removal of the property from the register.

C. Review Process for Heritage Properties

1. The applicant shall prepare a report for the city council analyzing the following alternatives (listed in descending order of preference) explaining why each alternative is or is not feasible:

a. Redesigning the project to avoid any impact to the historical structure or its setting;

b. Incorporating the structure into the overall design of the project;

c. Converting the structure into another use (adaptive use);

d. Selling the structure at no more than fair market value to an owner who will maintain the historic structure;

e. Relocating the structure on the property;

f. Relocating the structure to another property;

g. Salvaging from the structure historically significant architectural features and building materials; and

h. Documenting the structure as a whole and its individual architectural features in photographs, drawings, and/or text. Such documentation shall be submitted to, and archived by, the planning and community development department.

2. The City shall notice the application, provide a public comment period following the procedures in BIMC 2.16.020K.5.

3. The review process for an application to demolish or partly demolish the property may last no longer than 45 days. The applicant shall submit supporting documentation and first meet with the commission. If no alternative to demolition has been agreed to within 45 days from the initial meeting with the commission, plus any extension (for no more than 30 days), the commission shall recommend approval or denial of the application for a waiver and advise the official in charge of issuing a demolition permit of the decision. If the commission fails to issue a recommendation within 45 days from the initial meeting with the commission, plus any extensions,

the application shall be deemed approved and the commission shall recommend an unconditional waiver to the city council. When recommending a waiver, the commission may reasonably impose conditions designed to mitigate the loss of the property from the register. Property that is wholly demolished shall be removed from the Heritage Register. Property that is partially demolished may be removed from the Heritage register, if deemed appropriate by the city council.

4. Possible mitigation measures include:

- a. Documenting the historic resource, including photographic images of the building, architectural elements (both interior and exterior), special features and streetscapes.
- b. Coordination with the HPC to determine architectural features and materials eligible for salvage and reuse.
- c. The owner shall provide plaques or informational signs to identify the demolished historic structure.

5. If the commission finds that there is no feasible alternative to demolition, the commission shall recommend the issuance of a certificate of demolition to the city council. The commission may recommend conditions to the certificate to mitigate the loss of the heritage property. The certificate and any conditions may become conditions of approval of the demolition permit issued after a decision is made by the city council. After the property is demolished, the commission shall initiate removal of the property from the register.

18.24.080 Appeal process.

~~The commission's denial~~ Any determination of register status of a historic property or decision on a building permit (including demolition permit) on any application for a certificate of appropriateness or waiver may be appealed by the applicant to the city council within 10 days of the date of the commission's decision. The appeal shall be filed with the city clerk and shall clearly state the grounds upon which the appeal is based.

~~The appeal shall be filed with the city clerk and shall clearly state the grounds upon which the appeal is based. The appeal shall be reviewed by the council only upon the records of the commission. The council's decision on the appeal may be appealed by the applicant to the Kitsap County superior court within 21 days after the date of the decision issued by the council. (Ord. 2011-02 § 2 (Exh. A), 2011). The appropriate bodies to appeal to are listed below by application type and decision.~~

- 1. Register Eligible:
 - a. Classification: Planning Commission

- b. Demolition: Council
 - c. Appeal of Classification/Demo: Hearing Examiner
 - d. Further appeals: Kitsap Superior Court
- 2. Local Register
 - a. Nomination: Planning Commission
 - b. Changes/Alterations: Planning Commission
 - c. Demolition: City Council
 - d. Appeal of Nomination/Changes/Alterations/Demolitions: Hearing Examiner
 - e. Further appeals: Kitsap Superior Court
- 3. Heritage Property
 - a. Nomination: Hearing Examiner
 - b. Changes/Alterations: Hearing Examiner
 - c. Demolition: Hearing Examiner
 - d. Appeal of Nomination/Changes/Alterations/Demolitions: Kitsap Superior Court
- 4. Historic Island Farm
 - a. Nomination: Planning Director
- 5. Special Tax Valuation:
 - a. Kitsap County superior court under RCW 34.04.510 through 34.05.598 in addition to any other legal remedy. Any decision of the commission on the disqualification of historic property as being eligible for special valuation, or any other dispute, may be appealed to the Kitsap County board of equalization in accordance with RCW 84.40.038. (Ord. 2011-02 § 2 (Exh. A), 2011)

18.24.0690 Review and monitoring of properties for special property tax valuation.

A. Special Valuation Program Established. Pursuant to Chapter 84.26 RCW, a local option program is hereby established that shall make available to owners of historic property a special tax valuation for the rehabilitation of the historic property, as set forth in Chapter 84.26 RCW and this section.

B. Application Process for Special Property Tax Valuation.

- 1. An applicant desiring to obtain special property tax valuation for historic property shall file a complete application with the Kitsap County assessor no later than October 1st of the year immediately preceding the first assessment year for which special valuation classification is requested. Applications filed after the October 1st deadline shall not be considered for special property tax valuation until the following year.
- 2. Complete applications shall include the following information and documentation:
 - a. A legal description of the historic property;
 - b. Comprehensive exterior and interior photographs of the historic property before and after rehabilitation;

c. Architectural plans or other legible drawings depicting the completed rehabilitation work;

d. A notarized affidavit attesting to the actual cost of the rehabilitation work completed prior to the date of application and the period of time during which the work was performed, with documentation of both to be made available to the commission upon request; and

e. For properties located within National Register historic districts, a statement from the Secretary of the Interior, indicating the property is a certified historic structure as defined in WAC 254-20-030(2).

3. The Kitsap County assessor shall forward to the commission all complete applications for special property tax valuation for historic property within 10 days after receiving such applications.

C. Review Process.

1. The commission shall review each application for special tax valuation and determine: if the application is complete; if the subject property meets the criteria set forth in RCW 84.26.030 and WAC 254-20-070(1); and if the subject property meets the criteria set forth in subsection D of this section. The commission shall review all timely applications, and shall enter a determination on the application no later than December 31st of the calendar year in which the application is made.

2. If the commission finds that a subject property is eligible and meets all criteria set forth in this section, the commission shall enter into an historic preservation special valuation agreement with the owner of the subject property, which agreement shall contain all terms required by WAC 254-20-120. Upon mutual execution of such an agreement, the commission shall approve the application.

3. If the commission determines that the subject property does not meet all the requirements of this section, the commission shall deny the application.

4. Commission decisions to approve or deny applications for special tax valuation shall be in writing, shall describe the facts upon which the determination is based, and shall be filed with the Kitsap County assessor within 10 days after the date of the decision.

5. For those applications approved by the commission, the commission shall forward a copy of the applicable historic preservation special valuation agreement, the application and all supporting documentation to the Kitsap County assessor. The commission shall also notify the State Review Board that the subject property has been approved for special valuation and shall monitor the subject property for

continued compliance with the historic preservation special valuation agreement throughout the 10-year special valuation period.

6. The commission shall determine whether a property is disqualified from special valuation either because of the owner's failure to comply with the terms of the historic preservation special valuation agreement or because of a loss of historic value resulting from physical changes to the building or site. In the event that the commission concludes that a property is no longer qualified for special valuation, the commission shall notify the owner, the Kitsap County assessor and the State Review Board in writing and state the facts supporting its findings.

D. Criteria.

1. ~~Historic Property Criteria. Until the city becomes a certified local government, the class of historic property eligible for special valuation in the city includes all properties listed on the National Register or certified as contributing to a National Register historic district that have been substantially rehabilitated at a cost and within a time period that meets the requirements set forth in Chapter 84.26 RCW. After the city becomes a certified local government,~~ The class of historic property eligible for special valuation in the city includes all properties listed on the local register or Heritage Properties that have been substantially rehabilitated at a cost and within a time period that meets the requirements set forth in Chapter 84.26 RCW.

2. Property Review Criteria. In its review of an application for special valuation of an historic property, the commission shall determine if the subject property meets each of the following criteria:

- a. The property is an historic property;
- b. The property is included within a class of historic property determined eligible for special valuation pursuant to subsection D.1 of this section;
- c. The property has been rehabilitated at a cost that meets the definition set forth in RCW 84.26.020(2) within 24 months prior to the date of application; and
- d. The property has not been altered in any way that adversely affects those elements that qualify it as historically significant, as determined by applying the standards set forth in WAC 254-20-100(1).

3. Rehabilitation and Maintenance Criteria. The commission shall use the Washington State Advisory Council's Standards for the Rehabilitation and Maintenance of Historic Properties set forth in WAC 254-20-100 as the minimum requirements for determining whether an historic property is eligible for special

valuation and whether the property continues to be eligible for special valuation once it has been so classified.

E. Agreement. The commission shall use the historic preservation special valuation agreement set forth in WAC 254-20-120 as the minimum agreement required by this section.

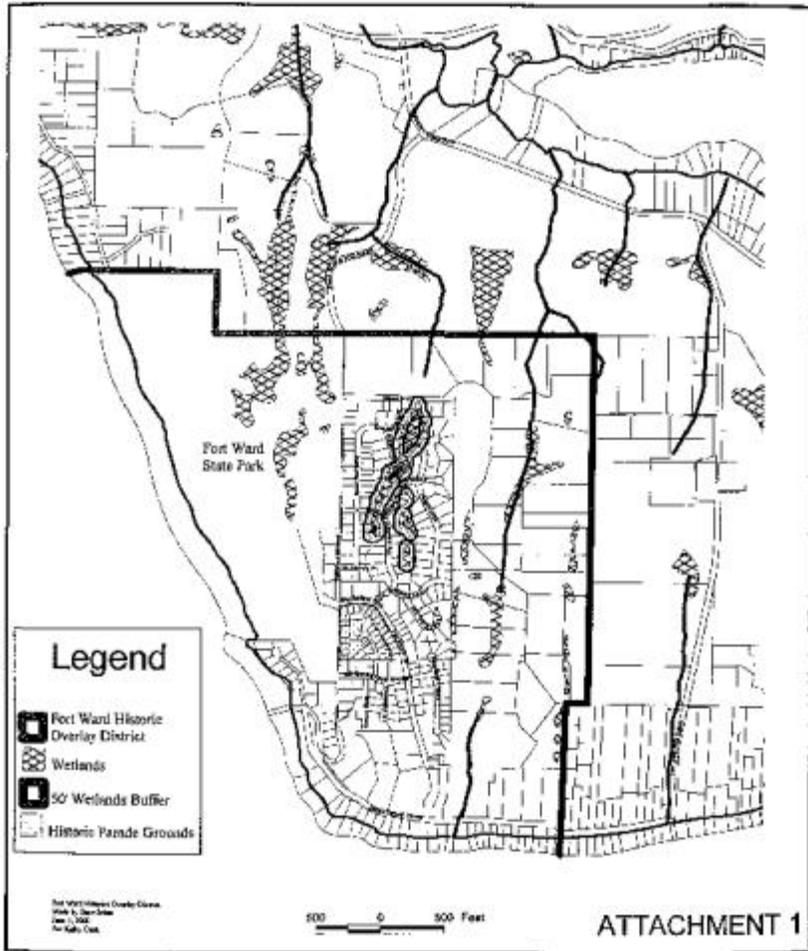
~~F. Appeals. A decision of the commission on an application for classification as historic property eligible for special valuation may be appealed to the Kitsap County superior court under RCW 34.04.510 through 34.05.598 in addition to any other legal remedy. Any decision of the commission on the disqualification of historic property as being eligible for special valuation, or any other dispute, may be appealed to the Kitsap County board of equalization in accordance with RCW 84.40.038. (Ord. 2011-02 § 2 (Exh. A), 2011)~~

18.24.1070 Fort Ward historic overlay district.

The following regulations apply to the Fort Ward historic overlay district and supplement those general standards contained in BIMC 18.24.010 through 18.24.060. In the case of conflict between the provisions of this section and the provisions of previous sections of this chapter, the provisions of this section shall apply. Any applications for development within the Fort Ward historic overlay district not subject to the provisions of this section shall comply with the regulations for the underlying zone (R-2).

A. Establishment of Boundaries. The provisions of this section shall apply to the Fort Ward study area as shown on the following page, referred to as the Fort Ward historic overlay district.

Fort Ward Historic Overlay District



B. Increases in Density.

1. Availability. Residential density bonuses may be available for providing affordable housing pursuant to Chapter 18.21 BIMC.

2. Building 16. The property tax identified as tax parcel number 112402-3-004-2003 containing a building of historical interest, identified as Building 16 on Attachment 2, shall be permitted an increase in density up to a total of eight units; provided, that the majority of the dwelling units are located inside Building 16; and provided, that the following development standards are met:

a. The exterior of the building is rehabilitated and maintained in accordance with the standards established in subsection D of this section.

b. The proposed work is reviewed by the historic preservation commission, and a certificate of review is issued, in accordance with subsection E of this section.

c. A minimum of five feet of partial screen perimeter landscaping shall be provided alongside and rear property lines. This requirement may be met by retaining existing vegetation on the property, or planting new vegetation. The perimeter landscaping requirement may be waived as part of the final decision on the permit, upon written agreement from adjoining property owners.

d. Surface parking is encouraged to be located behind the building. Any surface parking that is adjacent to residential uses shall be fully screened so as to prevent headlights from shining on the adjacent residential uses.

e. Parking may be located along the south property line; provided, that it is enclosed within a structure.

f. The applicant shall provide community meeting space of not less than 500 square feet. This community meeting space may be provided within Building 16, or, upon approval by the city, this requirement may be met by the applicant making a financial contribution equal to the cost of constructing a 500-square-foot meeting space and one unisex bathroom stall within Building 16. If the financial contribution option is used:

i. The applicant shall submit current cost estimates to the city building official for the construction of the meeting space, as described in subsection B.2.f of this section, meeting all code requirements and the same level of finishes and quality of construction as used elsewhere in the interior of the building;

ii. The payment shall be held in a reserve account and may only be expended in support of the construction of a community meeting space in the Fort Ward historic overlay district;

iii. The payment shall be expended in all cases within five years of collection; and

iv. Any payment not so expended shall be refunded with interest to the property owners of record at the time of the refund; however, if the payment is not expended within five years due to delay attributable to the developer, the payment shall be refunded without interest.

g. The applicant complies with the requirements of subsection G of this section prior to issuance of an occupancy permit.

3. Other Properties. Certain properties within the Fort Ward historic overlay district that contain a structure of historic interest, as identified on Attachment 2, shall be permitted to develop to the historic density as shown in Table 18.24.070-1; provided, that:

- a. The exterior of the building is rehabilitated and maintained in accordance with the standards established in subsection D of this section.
- b. The proposed work is reviewed by the historic preservation commission, and a certificate of review is issued, in accordance with subsection E of this section.
- c. The applicant complies with the requirements of subsection G of this section.

Table 18.24.070-1: Fort Ward Historic Overlay District Additional Densities

Building Number	Tax Parcel Number	Density
Building 13	11240230022005	Up to 3 units
Building 18	41470050010004	2 units
Building 19	41470050020102	2 units
Building 20	41470050030002	2 units
Building 21	41470050040001	2 units

C. Maintenance and Rehabilitation of Buildings of Historic Interest.

1. Buildings B and C. Buildings B and C (tax parcel number 80970000000007, a total of 10 units), as identified on Attachment 2, are buildings of historic interest that contribute to the character of the Fort Ward historic overlay district. Any project to alter, reconstruct, remodel, or restore the exterior of the subject buildings that requires permits from the city shall require review by the Fort Ward historic design review committee for compliance with the standards established in subsection D of

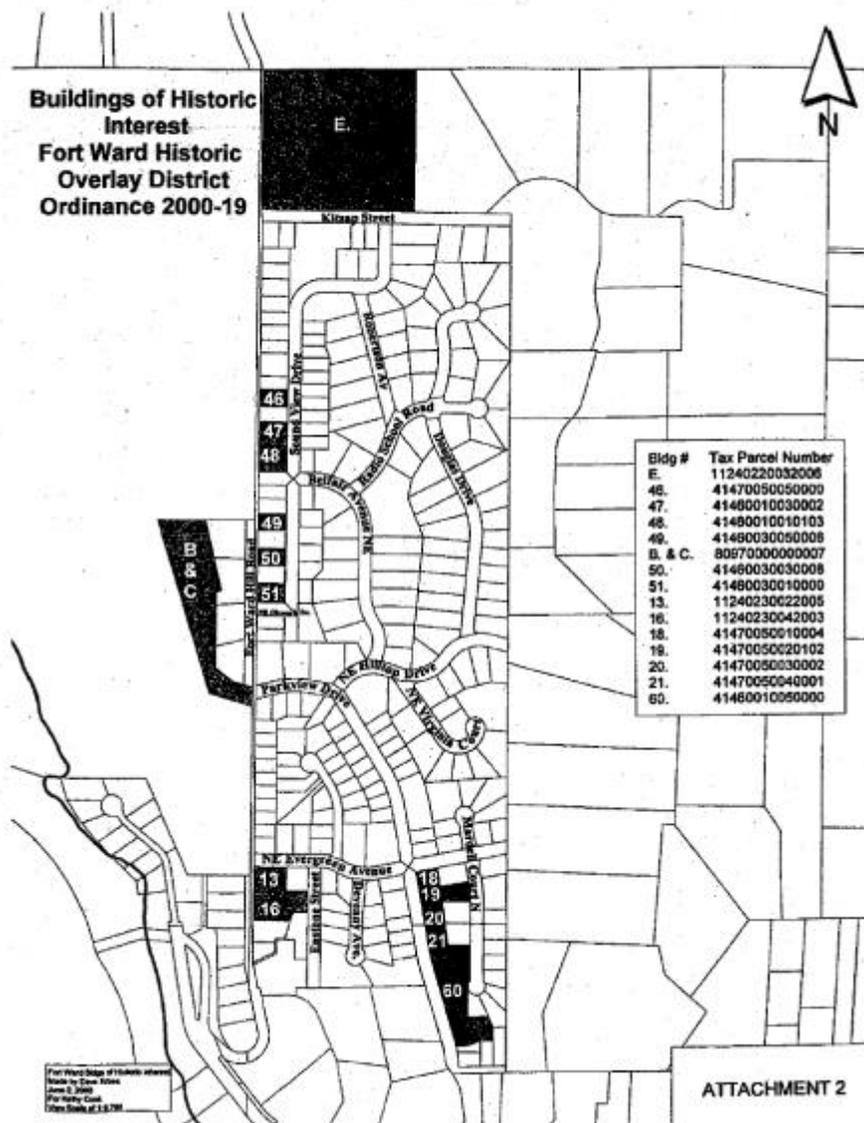
this section and issuance of a certificate of review in accordance with the procedures established in subsection E of this section.

2. Other Buildings. The buildings shown in Table 18.24.070-2, and identified on Attachment 2, are buildings of historic interest that contribute to the character of the Fort Ward historic overlay district. The rehabilitation and maintenance of these buildings is to be encouraged. Any owner who wishes to alter, reconstruct, remodel, or restore the exterior of the subject buildings in a manner that maintains its historic character may request the review services of the historic preservation commission. The commission shall be available to review the proposed changes, and to advise the applicant as to design elements, construction techniques and materials that would be compatible with the historic character of the specific building.

Table 18.24.070-2: Fort Ward Historic Overlay District Other Buildings of Historic Interest

Building Number	Tax Parcel Number
Building E	11240220032006
Building 46	41470050050000
Building 47	41460010030002
Building 48	41460010010103
Building 49	41460030050006
Building 50	41460030030008
Building 51	41460030010000
Building 60	41460010050000

The rehabilitation and maintenance of any other buildings of historic interest within the Fort Ward historic overlay district is to be encouraged. Any owner who wishes to alter, reconstruct, remodel, or restore the exterior of these buildings in a manner that maintains its historic character may also request the review services of the historic preservation commission.



D. Standards for Maintenance or Rehabilitation of the Exteriors of Buildings of Historic Interest.

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its context.
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
3. Each property shall be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

4. Many properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
5. Distinctive features, finishes and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
6. Deteriorated architectural features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of buildings, if appropriate, shall be undertaken using the gentlest means possible.
8. Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
9. New additions, exterior alterations or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale and architectural features to protect the historic integrity of the property and its environment.
10. New additions and related new construction shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

E. Application and Review by the ~~Fort Ward Historic Review Committee~~ Historic Preservation Commission

1. Certificate of Review Required. No applicant shall alter, reconstruct, remodel, or restore the exterior of the subject buildings pursuant to subsection B.2, B.3 or C.1 of this section, and no city permit or approval of such activity shall be issued without review by the historic preservation commission and without issuance of a certificate of review by the commission.
2. Preliminary Review. Upon submittal of application for site plan and design review permit or building permit, the applicant shall schedule a preliminary review meeting with the commission. A staff planner shall also attend the preliminary design review meeting. Prior to the review meeting, the applicant shall provide commission members with “as is” photographs of the subject building and site; a site plan showing the location of the building or buildings; the proposed method of cleaning and

treating masonry and other surfaces; exterior elevations of the front and side with a description of the proposed type and finished color of exterior siding, proposed windows and roofing to be used; and proposed architectural features and trim. All diagrams shall be drawn to scale. The commission may request additional information and/or a site visit as necessary for their review and recommendation. Any conditions agreed to in this meeting shall become conditions of approval of the permits granted.

3. Final Review. Prior to issuance of permits, the applicant shall schedule a final review meeting with the commission. A staff planner shall also attend the final review meeting. Upon determination that conditions specified in the preliminary design review and the requirements of this chapter are met, the commission shall issue a final certificate of review in a form to be approved by the city. The final certificate of review shall be attached to the building permit.

4. Exemptions. Emergency repairs, ordinary repair and maintenance and interior remodeling shall not require a certificate of review.

F. Notice on Title. Prior to issuance of building permit, the owner of any property seeking an increase in density pursuant to subsection B of this section shall record with the Kitsap County auditor a restrictive covenant in a form approved by the city. Such document shall provide notice in the public record of the requirement that any alteration, reconstruction, remodel, repair, or restoration of the exterior of the subject buildings must comply with the provisions of this chapter. The applicant shall submit proof to the city that the restrictive covenant has been filed. The covenant shall run with the land and failure to provide such notice to any purchaser prior to transferring any interest in the property shall be in violation of this chapter.

G. Design Guidelines. In addition to complying with all other applicable provisions of this chapter, permitted development, redevelopment, and exterior renovation in the Fort Ward district shall comply with those regulations contained in the "Fort Ward Design Guidelines." (Ord. 2011-02 § 2 (Exh. A), 2011)

18.24.110, Heritage tree register.

A. The Commission shall review nominations of heritage trees to be included on the Heritage Tree Register.

B. Criteria for Listing. Individual trees or tree stands may be designated Heritage Trees because they exhibit valued, unique characteristics that set them apart from other similar trees. Heritage trees shall meet one or more of the following criteria:

1. Specimen. A tree of exceptional size, form or rarity.
2. Size. Any tree with a dBH of 36 inches or more.

3. Species. Locally important native trees or trees and tree stands that are associated with the character of the community. Species that are rare in the area, with the exception of non-native, invasive tree species.
4. Age. Trees of exceptional age.
5. Historic, Cultural or Habitat Significance. Trees associated with notable local or regional historical or cultural events, persons, structures or landscapes. Trees planted as commemorative trees. Trees that serve as important habitat for valued wildlife.
6. Ecological Value. Trees or tree stands with high ecological value due to their location, size, species and/or condition.
7. Aesthetics. A tree with special aesthetic value due to its form or function it serves in the landscape (for example, a landmark pair of trees that frame an entrance).
8. Location. Trees valued for their particular location.

C. Process for Designating Heritage Trees

1. Trees may be nominated by the:
 - i. Owner or
 - ii. Any member of the public.
2. The Commission shall examine each application and make a determination based on the Heritage Tree criteria, whether the tree or tree stands are eligible for the register.
3. Once determination has been made, the commission shall notify the property owner. The property owner must agree to the nomination by signing a consent form attached to the nomination form.

D. Responsibilities for Owners of Trees on the Register. The Heritage Tree or Tree Stand is retained by the property owner and does not become property or responsibility of the City. Upon acceptance of a nomination, the City will list the tree or tree stand on the register. If requested, the City will provide the owner with a professional arborist's assessment of the tree or tree stand.

E. Removal of Trees from the Register. Heritage Tree designation does not prohibit a property owner from developing a property and/or removing a Heritage Tree. The owner shall consult with the historic preservation commission prior to removing of a tree.

F. Incentives for a Tree(s) on the Register. Heritage trees may receive density bonuses pursuant to BIMC 18.15.010.G.5.b.

BIMC 18.24.120, Historical signage program.

A. The historic preservation commission shall review suggestions for historical signage and determine whether the proposal to install historical signage is appropriate.

B. Criteria for Signage. The commission shall determine, based on the factual natural of the proposal, the degree of significance, and the connection to the site whether a historic sign is appropriate. If the site is a City Road End, feedback from the Public Water Access Committee (PWAC) will also be considered.

C. Process for Proposing Historical Signage.

1. Candidate sites for historical signage may be proposed to the commission by:

- a. Owner or
- b. Any member of the public.

2. Suggestions should identify the candidate site and the significant event/person/structure that is associated with the site. Proposals should not include specific language for the suggested sign. The development of content is a collaborative process completed by the commission and the Bainbridge Island History Museum (BIHM).

3. Determination of Appropriateness:

- a. If the proposed site is a City Road End, the PWAC will be informed and the commission will request feedback on whether the PWAC supports the suggestion for historical signage at that site.
- b. The commission will review the suggestion for historical signage and will determine whether the proposal to install historical signage is appropriate. The commission's determination will be based on the factual nature of the proposal, the degree of significance, and the connection to the specific site. If the site is a City Road End, the feedback from the PWAC shall also be considered.

4. Content of Signage:

- a. If the commission determines that the suggestion for signage is appropriate, the commission will work in collaboration with the BIHM to develop specific language and other signage content (graphics, photos, etc.). The BIHM will attest to the historical accuracy of the wording, including references where needed.
- b. The draft of the sign shall be submitted to the commission for final approval. The sign must meet all of the following criteria:
 - i. The sign shall be historically accurate.
 - ii. The story must have a relationship to the location.

- iii. The sign shall be clear, concise and address only the salient historic facts.

BIMC 18.24.130, Historic island farms.

- A. Criteria for Designation. A historic island farm shall meet the following criteria:
 - a. Currently used as a farm,
 - b. At least 25% of the lot used for farming,
 - c. Was a farm prior to 1965, and
 - d. Is at least 2.5 acres in size.
- B. Process for Designation. Any person may recommend a farm for the historic island farm register.
- C. Designation as a historic farm is an honorary designation and shall not restrict the sale, alteration, use or the exercise of any other right of ownership.

Section 3. *BIMC Section 18.26.060 Definitions* is hereby amended to read as follows:

44. “Certificate of appropriateness” means the certificate issued by the historic preservation commission or the planning director pursuant to Chapter 18.24 BIMC upon approval of proposed changes that do not adversely affect the historic characteristics of a property listed on the local register.

120. “Historic property” means real property together with improvements on the property (except property listed in a register primarily for objects buried below ground) that ~~is~~ are ~~is-listed in~~ on a local, state or National Register or as designated Heritage properties.

213. “Register eligible” means a property that is found to be eligible for listing on the local register and is not currently listed. Register eligible does not mean Heritage Property.

117. “Heritage property” means; a property that’s loss would mean a diminution of the Island’s special character, that is eligible for the Local Register of Historic Places, that possesses most of its original architectural integrity, having no major exterior alterations or addition, that is a significant contributor to its neighborhoods character and is visibly accessible to the public.

119. “Historic island farms” are currently used as a farm, were farmed prior to 1965, and are at least 2.5 acres in size and at least 25% of the lot is used as farming.

Section 4. This ordinance shall take effect and be in force five (5) days from its passage, approval, and publication as required by law.

PASSED BY THE CITY COUNCIL this XX day of X, 2016.

APPROVED BY THE MAYOR this XX day of X, 2016.

/s/
XX, Mayor

ATTEST/AUTHENTICATE:

/s/
Rosalind D. Lassoff, CMC, City Clerk

FILED WITH THE CITY CLERK: , 2016
PASSED BY THE CITY COUNCIL: , 2016
PUBLISHED: , 2016
EFFECTIVE DATE: , 2016
ORDINANCE NUMBER: 2016-15

Attachment B
Questions and Answers
April 28, 2016 Study Session

1. Explain the special tax relief?

Special Valuation is the revision of the assessed value of a historic property which subtracts, for up to ten years, such rehabilitation costs as approved by a local review board (please see supporting documents (attachments Bi & Bii) for full explanation on special valuation).

2. How much tax relief is received?

Qualified rehabilitation expenditures will be deducted from the new assessment for a full 10-year period of special valuation. The total cost of the rehabilitation must be equal to at least 25% of the assessed value of the property, exclusive of land value, prior to rehabilitation.

3. If special tax relief is received, how do we ensure that it is done in perpetuity?

The property is required to be maintained in good condition as long as the special valuation is in effect. Properties receiving special tax valuation would have to receive review from the commission prior to performing any exterior work on and/or demolition of any property receiving special tax valuation.

4. If you have a property on the register, and you demolish the structure, would you have to pay back to the assessor any taxes you received relief from because you received a special tax valuation?

There are terms associated with the agreement. If violated or if the property is disqualified, the assessor must: levy the back taxes (which otherwise would have been due) plus interest and penalty; rehabilitation costs times the levy rate for the elapsed portion of the year, plus interest (from April 30) normally charged on delinquent tax bills, plus an additional 12% penalty (additional information WAC 458-15-090).

5. How do you appeal to the City Council?

Any appeal can be filed with the City Clerk within 14 days of a decision in the amount prescribed (currently \$530.00).

6. Can you be more specific on the Heritage Property Criteria?

The Commission reviewed the criteria and made some minor changes to reflect the concerns of the Planning Commission. However, the HPC has found that the criteria is similar to that applied in other jurisdictions and feels that, with the minor changes, the criteria captures the intent. Further, after meeting with members of the public, the Commission added language to

clarify that this is intended to be a limited list of exemplary properties and that they have to meet at least two of the local register criteria (criteria included below for reference).

Current BIMC Criteria (no changes proposed)

1. Is associated with events that have made a significant contribution to the broad patterns of national, state, or local history;
2. Embodies the distinctive architectural characteristics of a type, period, style, or method of design or construction, or represents a significant and distinguishable entity whose components may lack individual distinction;
3. Is an outstanding work of a designer, builder, or architect who has made a substantial contribution to the art;
4. Exemplifies or reflects special elements of the city's cultural, ~~special~~, economic, political, aesthetic, engineering, or architectural history;
5. Is associated with the lives of persons significant in national, state, or local history;
6. Has yielded or may be likely to yield important archaeological information related to history or prehistory;
7. Is a building or structure removed from its original location but that is significant primarily for architectural value, or that is the only surviving structure significantly associated with an historic person or event;
8. Is a birthplace or grave of an historical figure of outstanding importance;
9. Is a cemetery that derives its primary significance from age, from distinctive design features, or from association with historic events, or cultural patterns;
10. Is a reconstructed building that has been executed in a historically accurate manner on the original site;
11. Is a creative and unique example of folk architecture and design created by persons not formally trained in the architectural or design professions, and that does not fit into formal architectural or historical categories; or
12. Is listed on the National Register or the State Register.

RCW 84.26.030

Special valuation criteria.

Four criteria must be met for special valuation under this chapter. The property must:

- (1) Be an historic property;
- (2) Fall within a class of historic property determined eligible for special valuation by the local legislative authority;
- (3) Be rehabilitated at a cost which meets the definition set forth in RCW [84.26.020\(2\)](#) within twenty-four months prior to the application for special valuation; and
- (4) Be protected by an agreement between the owner and the local review board as described in RCW [84.26.050\(2\)](#).

WAC 254-20-070

No agency filings affecting this section since 2003

Responsibilities of local review boards.

(1) Following receipt of an application for special valuation from the county assessor, the local review board shall, consistent with locally adopted rules of procedure, determine if the property meets the following criteria:

- (a) The property is historic property;
- (b) The property is included within a class of historic property determined eligible for special valuation by the local legislative authority under an ordinance or administrative rule;
- (c) The property has been rehabilitated at a cost which meets the definition set forth in RCW [84.26.020\(2\)](#) within twenty-four months prior to the date of application; and
- (d) The property has not been altered in any way which adversely affects those elements which qualify it as historically significant.

(2) If the local review board finds that the property satisfies all four of the above requirements, then it shall, on behalf of the local jurisdiction, enter into an agreement with the owner which, at a minimum, includes the provisions set forth in WAC [254-20-120](#). Upon execution of said agreement between the owner and the local review board, the local review board shall approve the application.

(3) If the local review board determines that the property does not meet all of the requirements for special valuation, then it shall deny the application.

(4) An application for special valuation shall be approved or denied by the local review board before December 31 of the calendar year in which the application is made. The local review board shall certify its decision in writing and state the facts upon which the approval or denial is based. The local review board shall file a copy of the certification with the county assessor within ten days of issuing a decision.

(5) If the application is approved, the local review board shall forward a copy of the agreement, the application, and supporting documentation as required by WAC [254-20-090\(4\)](#) to the county assessor for recording and shall notify the state review board that the property has been approved for special valuation.

(6) Once an application for special valuation has been approved, the local review board shall determine, according to its bylaws and rules of procedure, whether or not the property has

become disqualified, either because of the owner's failure to comply with the terms of the agreement, or because of a loss of historic value resulting from physical changes to the building or site. In the event that a local review board concludes that a property is no longer qualified for special valuation, it shall notify the owner, the county assessor, and the state review board in writing and state the facts supporting its findings.

RCW 84.26.020

Definitions.

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Historic property" means real property together with improvements thereon, except property listed in a register primarily for objects buried below ground, which is:

(a) Listed in a local register of historic places created by comprehensive ordinance, certified by the secretary of the interior as provided in P.L. 96-515; or

(b) Listed in the national register of historic places.

(2) "Cost" means the actual cost of rehabilitation, which cost shall be at least twenty-five percent of the assessed valuation of the historic property, exclusive of the assessed value attributable to the land, prior to rehabilitation.

(3) "Special valuation" means the determination of the assessed value of the historic property subtracting, for up to ten years, such cost as is approved by the local review board.

(4) "State review board" means the advisory council on historic preservation established under chapter [27.34](#) RCW, or any successor agency designated by the state to act as the state historic preservation review board under federal law.

(5) "Local review board" means a local body designated by the local legislative authority.

(6) "Owner" means the owner of record.

(7) "Rehabilitation" is the process of returning a property to a state of utility through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its architectural and cultural values.

No agency filings affecting this section since 2003

WAC 254-20-120

Historic preservation special valuation agreement.

The following historic preservation special valuation agreement shall be used by local review boards as the minimum agreement necessary to comply with the requirements of RCW [84.26.050\(2\)](#):

This Historic Preservation Agreement is entered into on this day of, 19 , by and between (hereinafter referred to as APPLICANT) and (hereinafter referred to as LOCAL REVIEW BOARD).

WHEREAS APPLICANT is the owner of record of the historic property commonly known as , located at , State of Washington, as more fully described in Exhibit A, attached hereto and incorporated herein by this reference (hereinafter referred to as PROPERTY); and

WHEREAS APPLICANT has requested special valuation of the PROPERTY pursuant to chapter [84.26](#) RCW; and

WHEREAS the LOCAL REVIEW BOARD has determined that the PROPERTY has been substantially rehabilitated within the two year period preceding the date of application and the actual cost of said rehabilitation equals or exceeds twenty-five percent of the assessed valuation of the PROPERTY prior to the improvements; and

WHEREAS the LOCAL REVIEW BOARD has verified that the PROPERTY is historic property that falls within a class of properties determined eligible for special valuation by local ordinance or administrative rule; and

WHEREAS the LOCAL REVIEW BOARD finds that the rehabilitation work has not altered the PROPERTY in any way which adversely affects those elements which qualify it as historically significant;

NOW THEREFORE, in recognition of the foregoing, the APPLICANT enters into this Agreement with the LOCAL REVIEW BOARD and agrees to adhere to the following terms and conditions for the ten-year period of the special valuation classification:

1. APPLICANT agrees to comply with the Washington State Advisory Council's Standards for the Maintenance and Rehabilitation of Historic Properties as set forth in Exhibit B, which is attached hereto and by this reference incorporated herein.
2. APPLICANT agrees the property shall not be altered without the prior written consent of the LOCAL REVIEW BOARD signed by a duly authorized representative thereof. No construction, alteration or remodeling or any other action shall be undertaken or permitted to be undertaken which would affect the historic character of the PROPERTY which classifies it as eligible for special valuation, or which would affect the appearance of the PROPERTY as depicted in the photographs attached hereto and incorporated herein by this reference as Exhibits through , or which would adversely affect the structural soundness of the PROPERTY; provided, however, that the reconstruction, repair, repainting, or refinishing of presently existing parts or elements of the PROPERTY subject to this Agreement, damage to which has resulted from casualty loss, deterioration or wear and tear, shall be permitted without the prior approval of the LOCAL REVIEW BOARD, provided that such reconstruction, repair, repainting, or refinishing is performed in a manner which will not alter the appearance of those elements of the PROPERTY subject to this Agreement as they are as of this date. Exterior changes which shall require the consent of the LOCAL REVIEW BOARD shall include, but not be limited to, any substantial structural change or any change in design, color or materials.
3. APPLICANT agrees the PROPERTY shall not be demolished without the prior written consent of the local review board.
4. APPLICANT agrees to make historic aspects of the PROPERTY accessible to the public one day each year if the PROPERTY is not visible from a public right of way.
5. APPLICANT agrees to monitor the PROPERTY for its continued qualification for special valuation and notify the appropriate County Assessor within 30 days if the PROPERTY becomes disqualified because of
 - a. a loss of historic integrity,
 - b. sale or transfer to new ownership exempt from taxation, or
 - c. sale or transfer to new ownership which does not intend to agree to the terms of this Agreement nor

file a notice of compliance form with the County Assessor.

6. The APPLICANT and LOCAL REVIEW BOARD both agree that there shall be no changes in standards of maintenance, public access, alteration, or report requirements, or any other provisions of this Agreement, during the period of the classification without the approval of all parties to this Agreement.

Term of the Agreement. This Agreement shall take effect immediately upon signature and remain in effect until the property is no longer eligible for special valuation either through disqualification under RCW [84.26.080](#) or upon expiration of the ten-year period of special valuation commencing January 1, 19 , and ending December 31, 19

Hold Harmless. The APPLICANT or its successors or assigns shall hold the State and the LOCAL REVIEW BOARD harmless from any and all liability and claims which may be asserted against the State and the LOCAL REVIEW BOARD as a result of this Historic Preservation Special Valuation Agreement or the participation by the APPLICANT in the Special Valuation Program.

Governing Law. The terms of this Agreement shall be construed in accordance with the laws of the state of Washington.

Special Valuation: A Local Tax Incentive Program

BACKGROUND

During its 1985 session, the Washington State Legislature determined that as the state approached its centennial year, the preservation of a lasting legacy of historic resources was an important goal. In order to reach this goal, the legislature passed a law which allows a "special valuation" for certain historic properties within the state. The primary benefit of the law is that during the ten year special valuation period, property taxes will not reflect substantial improvements made to the property.

Definition:

"Special Valuation" is the revision of the assessed value of a historic property which subtracts, for up to ten years, such rehabilitation costs as are approved by a local review board.

Prior to the passage of this law, owners restoring historic buildings were subject to increased property taxes once the improvements were made. This had the effect of discouraging some owners from rehabilitating their historically significant structures. The Legislature decided that restoration of these properties would be encouraged if tax relief were available. Property tax relief was selected as a tool which could provide the financial incentives necessary to promote rehabilitation of eligible historic properties. Since passage of this law, over thirty-five local governments have implemented programs which allow their constituents to take advantage of this tax relief.

IMPLEMENTATION

Only local governments which implement the law are eligible to pass

on the tax relief to the public. The local government identifies the types of properties that are eligible for special valuation, and designates a local review board that will review applications.

ELIGIBILITY

To be classified as eligible for special valuation, a property must first meet the following criteria:

1. It must be listed in the National Register of Historic Places, individually, or certified as contributing to the significance of a National Register Historic District. In order to receive a statement that a property is certified as contributing to the significance of a National Register Historic District, a property owner should contact their local government, or the Department of Archaeology and Historic Preservation,

OR 2. It must be listed in the Local Register of Historic Places established by a Certified Local Government,

AND 3. It must be of a class of properties approved by the local government.

Eligible properties which undergo substantial rehabilitation may receive special valuation if the rehabilitation work is approved by the local review

board. The work must have been conducted within two years prior to application, and must be equal in cost to at least 25% of the assessed value of the structure prior to rehabilitation.

REQUIREMENTS

Protection of the Property

Property owners who want to take advantage of special valuation must sign an agreement with the local review board that guarantees they will meet the following standards during the ten-year property tax exemption period:

- The property must be maintained in good condition.
- The owner must obtain approval from the local review board prior to making further improvements.
- The property must be visible from a public right-of-way, or otherwise be made available for public view once every year.

The penalty for violating the agreement or other program requirements is substantial. All back taxes which would otherwise have been owed, interest on back taxes, and a penalty equal to 12% of back taxes and interest may be due.

(Continued on page 4)



The One Pacific Building, 7th & Pacific, Tacoma, WA

How the Application Process Works:

APPLICANT: • Submits application to the assessor no later than 24 months after beginning date of the rehabilitation work to be considered for Special Valuation.

ASSESSOR: • Reviews application for completeness.
• Verifies legal owner, legal description, etc.
• Submits application to local review board within ten working days.

LOCAL REVIEW BOARD: • Reviews application and attachments.
• Determines approval or denial of application no later than December 31st of application year.
• If application is approved, notifies applicant, assessor, and State Advisory Council within ten days.
• Executes agreement with applicant.
• Returns application to assessor.

ASSESSOR: • Records agreement.
• Files application, agreement and certification statement (if applicable) with the county recording authority.
• Determines special valuation and enters in tax roles separately from the normal assessed value.

HOW ELIGIBLE PROPERTIES ARE DEFINED

To be eligible for special valuation, a property must be:

1. Listed in the National Register of Historic Places, individually or certified as contributing to the significance of a National Register Historic District.

OR

2. Listed in the Local Register of Historic Places established by a Certified Local Government (for more information about the Certified Local Government Program, contact the CLG Coordinator at 360-586-3074).

AND

3. It must be of a class of historic properties approved by the local government.

Note: The local government in each community determines which classes of historic properties are eligible for special valuation, and may elect to exclude some classes of property from the program.

The Timetable

- WITHIN 2 YEARS PRIOR TO DATE OF APPLICATION:**
- Rehabilitation work begun and completed. The rehabilitation does not necessarily have to have been started during the 24 month period, however, only costs incurred during the 24 months prior are eligible.
- BEFORE OCTOBER 1 (IF SPECIAL VALUATION IS DESIRED FOR FOLLOWING YEAR):**
- Applicant submits application.

- WITHIN 10 WORKING DAYS:**
- Assessor completes review and submits application to local review board.

- BEFORE DECEMBER 31:**
- Local Review Board approves (or denies) application and executes agreement.

- WITHIN 10 DAYS OF ISSUING THEIR DECISION:**
- Local Review Board submits approved application and agreement to assessor; assessor records documents.

- FIRST YEAR - JANUARY 1:**
- Special valuation effective.

- SECOND YEAR THROUGH ELEVENTH YEAR:**
- Taxes reflect special valuation.

- TENTH YEAR:**
- Special valuation ends.

- TWELFTH YEAR:**
- Taxes reflect revaluation of property following end of special valuation.

DETERMINING SPECIAL VALUATION

The amount of property tax you will pay is based on the special valuation of your property. Special valuation is simply a value, for property tax purposes, which is calculated by subtracting qualified rehabilitation expenditures from the total assessed value of the property. Your property tax may change from year to year because of changes in the assessed value, but the qualified rehabilitation expenditures will continue to be deducted from the new assessment for the full ten-year period of special valuation.

(Continued from page 1)

If the property is sold, the new owner may sign an agreement with the local review board ensuring that program requirements will continue to be satisfied for the duration of the special valuation period. However, if the new owner does not sign the agreement, the original property owner does not face penalties as a result, and the new owner will simply pay the fully assessed property tax.

Qualified Rehabilitation Expenditures

The total cost of the rehabilitation must be equal to at least 25% of the assessed value of the property, exclusive of land value, prior to rehabilitation. "Qualified rehabilitation expenditures" are expenses chargeable to the project and include improvements made to the building within its original perimeter, architectural and engineering fees, permit and development fees, loan interest, state sales tax and other expenses incurred during the rehabilitation period. Not included are costs associated with acquisition of the property, or the enlargement of the building. The local review board in each jurisdiction determines which expenditures are qualified. Qualified rehabilitation expenditures for special valuation are the same as those for the Federal Investment Tax Credits. (For a detailed explanation, see 26 CFR 1.48-12(c).)

Rehabilitation Standards

In order to be eligible for special valuation, properties must retain their historic character after rehabilitation. The standards used by the local review board in their review and approval of the rehabilitation work are *The Washington State Advisory Council's Standards for Rehabilitation*. The State Advisory Council adopted *The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings* as their standards.

THE APPLICATION PROCESS

An interested property owner files an application with the assessor's office after the rehabilitation work is completed. The assessor transmits the application to the local review board, which schedules a public meeting to discuss the application.

The board may determine the approval or denial of the application at this meeting, or may request additional information. Once the board has made its determination, the applicant and the assessor will be notified within ten days.

If the application is filed with the assessor's office before October 1 and approved by the board, special valuation goes into effect the following year.

DEADLINES TO REMEMBER

Application for special valuation must be made no later than 24 months after the beginning of the rehabilitation work documented for special valuation.

October 1 is the deadline for applications when special valuation is desired for the following year.

PARTICIPATING JURISDICTIONS

At the time of this publication, the following cities and counties have implemented the special valuation program:

Anacortes	Kenmore	Skykomish
Auburn	Kennewick	Snohomish
Bainbridge	King County	County
Island	Kirkland	Snoqualmie
Bellingham	La Center	Spokane City/
Black	Lacey	County
Diamond	Lakewood	Steilacoom
Bothell	Longview	Tacoma
Camas	Marysville	Thurston County
Carnation	Newcastle	Tumwater
Centralia	North Bend	Vancouver
Chehalis	Olympia	Walla Walla
Cheney	Pierce County	Wenatchee
Clark County	Pomeroy	Woodinville
Colfax	Port Townsend	Yakima
Colville	Puyallup	
Dayton	Ritzville	
Edmonds	Roslyn	
Ellensburg	Seattle	
Everett	Shelton	
Issaquah	Shoreline	

Technical assistance in implementing the special valuation program is available to local governments from the Department of Archaeology and Historic Preservation.

IMPORTANT CONSIDERATIONS

- In order for a historic property to be eligible for special valuation, it must have been substantially rehabilitated within 24 months prior to the date of application.
- In order for a phased rehabilitation to be eligible, each phase of the rehabilitation must cost at least 25% of the assessed value of the property, exclusive of land value, prior to commencing that phase of work. Work on each phase must have been completed within 24 months prior to the date of application for special valuation for that phase.
- Improvements must be consistent with the historic character of the building. During the ten-year period of special valuation, additional improvements to the property are also subject to compliance with the *Washington State Advisory Council's Standards for Rehabilitation*.
- The property must be maintained in good condition as long as the special valuation is in effect.
- Special valuation may apply to a wide range of properties, at the discretion of the local government in each jurisdiction.
- Applications may be submitted at any time, however the deadline is October 1 when special valuation is desired for the following year. Reduction in property taxes appears one year after special valuation designation and applies until the year following the end of the ten-year period of special valuation.
- Property owners who receive special valuation for a rehabilitation project may also apply for the Federal Investment Tax Credits for the same project.

FOR INFORMATION

For further information about the special valuation program, contact:

Department of Archaeology and Historic Preservation
1063 S. Capitol Way, Suite 106
PO Box 48343
Olympia, Washington 98504-8343
360-586-3074

www.dahp.wa.gov

Special Valuation: For the Assessor

The assessor's role in the special valuation program is limited to processing the application forms and maintaining records of special valuation assessments for properties approved by the local review board. The assessor maintains two separate values on the tax rolls - the special valuation and the normal assessed value - for affected properties.

RESPONSIBILITIES

1. UPON RECEIPT OF AN APPLICATION, the assessor must:

- a. **RECORD** the date of receipt
- b. **REVIEW** the application for completeness:
 - Verify the legal owner
 - Verify the legal description
 - Verify the legal description and parcel or tax account number
- c. **TRANSMIT** the application and attachments to the local review board within 10 days of receipt

2. UPON RECEIPT OF AN APPROVED APPLICATION and agreement from the local review board, the assessor must:

- a. **RECORD** the application, agreement, and certification statement (if applicable)
- b. **TRANSMIT** copies to the county recording authority
- c. **DETERMINE** the special valuation:
 - The total assessed value of the property (including improvements and land), minus the qualified rehabilitation expenditures, equals the special valuation. This special valuation will change to reflect changes in the total assessed value, and will be in effect for 10 years.
- d. **ENTER** the determined special valuation on the tax rolls separately from the normal assessed value
- e. **CHARGE** processing fees to the applicant, as necessary, in addition to any fees associated with a title search (these fees shall be payable to the county auditor or county recorder)
- f. **INDICATE** the special valuation on the yearly tax statement
- g. **RETAIN** copies of all documents
- h. **REVALUE** properties on the regular revaluation cycle, deducting the cost therefrom to determine the taxable value

3. UPON TERMINATION of the 10-year special valuation period, the assessor must:

- a. **REVALUE** the property without consideration for special valuation
- b. **ENTER** the new value on the tax roles

4. IF THE TERMS OF THE AGREEMENT are violated, OR the property ownership changes without indication that the new owner will sign an agreement to meet the program requirements for the duration of the special valuation period, OR the property is disqualified for special valuation, the assessor must:

- a. **LEVY** the back taxes (which otherwise would have been due) plus interest and penalty:
 - Rehabilitation costs times the levy rate for the elapsed portion of the year,
 - Plus interest (from April 30) normally charged on delinquent tax bills
 - Plus an additional 12% penalty.

(For additional information, see WAC 458-15-090)

THE APPLICATION PROCESS

Applicant • Submits application to assessor no later than 24 months after beginning date of rehab work to be considered for special valuation

Assessor • Reviews application for completeness
 • Verifies legal owner and legal description
 • Submits application to local review board within 10 working days

Local Review Board • Reviews application and attachments
 • Determines approval or denial of application no later than December 31 of application year
 • If application is approved, notifies applicant, assessor, and State Advisory Council within ten days
 • Executes agreement with applicant
 • Returns application to assessor

Assessor • Records agreement
 • Files agreement and application with county recording authority

THE TIME LAG

Due to the lag in property tax payments, special valuation status will precede, by one year, the reduction of taxes due on affected properties. Thus the reduced tax will apply until the year following the end of the 10-year special valuation period.

IMPORTANT DEADLINES

- Application for special valuation must be made no later than 24 months after the beginning date of the rehabilitation work. The project can begin prior to the 24 month period, however, only qualified rehabilitation work done within the 24 month period can be tallied.
- October 1 is the deadline for applications when special valuation is desired for the following year.

PHASED PROJECTS

Properties which are rehabilitated in phases may receive special valuation for each phase, provided that qualified rehabilitation expenditures for each phase exceed 25% of the assessed value of the property, exclusive of land value, at the time that phase began. Each phase is treated as though it were a separate project, and is subject to all requirements of the special valuation program.

Special Valuation: For the Local Review Board

It is helpful for the local review board to meet with an applicant for special valuation **before** the rehabilitation work begins, and to review their project to ensure that it complies with *The Washington State Advisory Council's Standards for Rehabilitation*, as well as any additional local standards. This preliminary meeting is mandatory in some communities, and is suggested as a first step in the special valuation process which may avoid conflicts later on.

RESPONSIBILITIES

1. UPON RECEIPT OF AN APPLICATION from the assessor, the local review board must:

- a. **SCHEDULE** a public meeting at which the application will be approved or denied
- b. **DETERMINE** eligibility of the property for special valuation based on the following criteria:
 - Is the property historic?
 - Is it included within a class of historic properties determined eligible for special valuation by the local government?
 - Will the rehabilitation work comply with the State Advisory Council's Standards by not adversely affecting those elements qualifying the property as historically significant?
- c. **REVIEW** the applicant's documentation of qualified rehabilitation expenditures to assure that they were at least 25% of the assessed value of the property, exclusive of land value, prior to rehabilitation

2. IF THE PROPERTY IS DETERMINED ELIGIBLE for special valuation, the local review board must:

- a. **PREPARE** and enter into an agreement (on behalf of the local government) with the applicant. The agreement must guarantee that certain minimum standards (listed below) were met during the 10-year period of special valuation
- b. **APPROVE** the application upon execution of the agreement with the applicant
- c. **TRANSMIT** copies of the application, agreement and certification statement (if applicable) to the assessor's office for recording
- d. **NOTIFY** the Washington State Advisory Council of the application approval
- e. **MONITOR** the property during the 10-year special valuation period to assure continued compliance with the requirements of the special valuation program

3. IF THE PROPERTY IS DETERMINED INELIGIBLE for special valuation, the local review board must:

- a. **ADVISE** the applicant of the reason(s) for denial
- b. **EXPLAIN** that the applicant may appeal the decision to Superior Court

4. IF AN APPROVED PROPERTY IS LATER

DISQUALIFIED, due to either the owner's failure to comply with the terms of the agreement, **OR** to a loss of historic value due to alterations, the local review board must **NOTIFY** the owner, the assessor and the Washington State Advisory Council of the disqualification.

MINIMUM STANDARDS FOR A SPECIAL VALUATION AGREEMENT

During the 10-year period of special valuation, the property owner shall:

- a. **MAINTAIN** the property in safe and sound condition and

THE APPLICATION PROCESS

Applicant • Submits application to assessor no later than 24 months after beginning date of rehab work to be considered for special valuation

Assessor • Reviews application for completeness
 • Verifies legal owner and legal description
 • Submits application to local review board within 10 working days

Local Review Board • Reviews application and attachments
 • Determines approval or denial of application no later than December 31 of application year
 • If application is approved, notifies applicant, assessor, and State Advisory Council within ten days
 • Executes agreement with applicant
 • Returns application to assessor

Assessor • Records agreement
 • Files agreement and application with county recording authority

protect it from the elements, and repair deteriorated or broken exterior features, in compliance with *The Washington State Advisory Council's Standards for Rehabilitation*.

- b. **OBTAIN** written consent of the local review board prior to making further improvements or alterations to the property
- c. **MAKE** the property accessible to the public once each year if it is not normally visible from a public right-of-way
- d. **OBTAIN** written consent of the local review board prior to demolishing the property
- e. **NOTIFY** the assessor within 30 days if the property becomes disqualified for special valuation, e.g. if the terms of the agreement are violated

IF THE PROPERTY IS SOLD

If an approved property is sold, and the new owner desires continuation for the special valuation, he must **SIGN** an agreement with the local review board ensuring that program requirements will be satisfied for the duration of the special valuation period. The current owner is assessed no penalties for selling the property prior to the expiration of the special valuation.

IMPORTANT DEADLINES

- An application for special valuation must be approved or denied before December 31 of the year in which the application is made.
- Within 10 days of approving an application for special valuation, the local review board must notify the applicant and the assessor of their decision and must transmit copies of the application and its attachments, and the agreement, to the assessor's office.

PHASED PROJECTS

Properties which are rehabilitated in phases may receive special valuation for each phase, provided that qualified rehab expenditures for each phase exceed 25% of the assessed value of the property, exclusive of land value, at the time that phase began. Each phase is treated as though it were a separate project, and is subject to all requirements of the special valuation program.

Special Valuation: For the Local Government

The action of the local government is the first step in implementing the special valuation program in each jurisdiction, thus allowing its constituents the potential to realize substantial tax savings. Since passage of the law, approximately thirty-five local governments have implemented the special valuation program.

RESPONSIBILITIES

WHEN ESTABLISHING THE SPECIAL VALUATION PROGRAM for the jurisdiction, the local government must:

- 1. IMPLEMENT** the special valuation law through ordinance or administrative rule
- 2. IDENTIFY** one or more classes of historic properties in the community which are eligible for special valuation
- 3. DESIGNATE** a local review board to review application, and approve or deny properties for special valuation
- 4. APPOINT** members to the local review board

IMPORTANT CONSIDERATIONS

- Once the local government has identified a class of eligible historic properties, it may amend the criteria defining the class at any time. However, if the new criteria are more restrictive than the previous criteria, the new criteria may not take effect for a period of two years following October 1 of the year in which the change is made. Amendments to the criteria will not disqualify properties already subject to special valuation.
- The law permits multiple local governments within the same county to jointly designate, under an interlocal agreement, a single local review board to administrate the program.

THE APPLICATION PROCESS

- | | |
|---------------------------|---|
| Applicant | • Submits application to assessor no later than 24 months after beginning date of rehab work to be considered for special valuation |
| Assessor | • Reviews application for completeness
• Verifies legal owner and legal description
• Submits application to local review board within 10 working days |
| Local Review Board | • Reviews application and attachments
• Determines approval or denial of application no later than December 31 of application year
• If application is approved, notifies applicant, assessor, and State Advisory Council within ten days
• Executes agreement with applicant
• Returns application to assessor |
| Assessor | • Records agreement
• Files agreement and application with county recording authority
• Determines special valuation and enters in tax rolls (as a separate value from normal assessed value) |

Special Valuation: For the Applicant

Applications for special valuation will be reviewed, and approved or denied, by a local review board designated by the local government. The board will make their determination at a public meeting, during which the applicant may be present.

It is advisable (and in some communities it is mandatory) for the applicant to consult with the local review board before beginning the rehabilitation work, to ensure that the project will comply with the board's standards.

RESPONSIBILITIES

1. WHILE CONDUCTING THE REHABILITATION, the applicant must:

- a. **MONITOR** rehabilitation work to ensure that it conforms with *The Washington State Advisory Council's Standards for Rehabilitation*
- b. **MAINTAIN** accurate records of project costs, and dates of project work

2. WHEN APPLYING FOR SPECIAL VALUATION, the applicant must **FILE** an application for special valuation with the assessor's office (on the Department of Revenue form) no later than two years after beginning the rehabilitation work considered for special valuation. The application must include as attachments:

- a. The legal description of the property
- b. Comprehensive exterior and interior photographs of the property before and after rehabilitation
- c. Architectural plans or other legible drawings depicting the completed project
- d. A notarized affidavit attesting to the actual cost of rehabilitation work
- e. A statement from (the appropriate local official) indicating that the property is a certified historic structure if it is located in an historic district

3. IF A PROJECT IS APPROVED, the applicant must:

a. **SIGN** an agreement with the local review board guaranteeing that during the 10-year period of special valuation he or she shall:

- **MAINTAIN** the property in safe and sound condition and protect it from the elements, and repair deteriorated or broken exterior features, in compliance with *The Washington State Advisory Council's Standards for Rehabilitation*
- **OBTAIN** written consent of the local review board prior to making further improvements or alterations to the property
- **MAKE** the property accessible to the public once each year if it is not normally visible from a public right-of-way
- **OBTAIN** written consent of the local review board prior to demolishing the property
- **NOTIFY** the assessor within 30 days if the property becomes disqualified for special valuation, e.g. if the terms of the agreement are violated

b. **PAY** processing fees (and title search fees, if required) charged by the assessor's office

4. IF THE PROJECT IS DENIED, because the property is determined ineligible for special valuation, the applicant may **APPEAL** the decision of the Local Review Board to Superior Court, or to the legislative authority if local ordinances so provide.

THE APPLICATION PROCESS

Applicant • Submits application to assessor no later than 24 months after beginning date of rehab work to be considered for special valuation

Assessor • Reviews application for completeness
• Verifies legal owner and legal description
• Submits application to local review board within 10 working days

Local Review Board • Reviews application and attachments
• Determines approval or denial of application no later than December 31 of application year
• If application is approved, notifies applicant, assessor, and State Advisory Council within ten days
• Executes agreement with applicant
• Returns application to assessor

Assessor • Records agreement
• Files agreement and application with county recording authority
• Determines special valuation and enters in tax rolls (as a separate value from normal assessed value)

5. IF THE PROJECT IS LATER DISQUALIFIED for special valuation, or in the event of any dispute, the applicant may **APPEAL** to the County Board of Equalization.

6. IF THE PROPERTY IS SOLD, and the new owner desires continuation of the special valuation, he or she must **SIGN** an agreement with the local review board ensuring that the program requirements will be satisfied for the duration of the special valuation period.

IMPORTANT DEADLINES

- Application for special valuation must be made no later than 24 months after the beginning date of the rehabilitation work.
- October 1 is the deadline for applications when special valuation is desired for the following year. NOTE: due to the lag in property tax payments, the tax reduction will appear one-year after special valuation designation, and it applies until the year following the end of the 10-year special valuation period.

PHASED PROJECTS

Properties which are rehabilitated in phases may receive special valuation for each phase, provided that qualified rehabilitation expenditures for each phase exceed 25% of the assessed value of the property, exclusive of land value, at the time that phase began. Each phase is treated as though it were a separate project, and is subject to all requirements of the special valuation program.

Criteria, Identification Approval and Appeals of Local Register Eligible, Local Register, Heritage Properties and Historic Island Farms Table

	Local Register Eligible	Local Register	Heritage Properties	Historic Island Farm
Criteria	Same as Local Register	Outlined in 18.24.040A	Must meet all criteria in 18.24.030A	Currently in use for farming or maintained as open space; was a farm prior to 1965; at least 2.5 acres; and at least 25% in use for farming or open space
Who Identifies	HPC	Owner, HPC, General Public	Owner, HPC, City Council	Owner, HPC, General Public (with owner's consent)
Who Approves	HPC	HPC w/owner consent	Council after reviewing HPC recommendation	HPC
Changes/Alterations	HPC reviews/comments to Building Official	Requires Certificate of Appropriateness from HPC	HPC review/comments, PD decides issues a COA	N/A
Demolition	Owner prepares analysis for HPC review; approval by Planning Director Mitigation may be required	Owner prepares analysis for HPC review and approval & City issues Cert of Demolition Mitigation may be required	Owner prepares analysis for HPC review/comments, approval by City Council Mitigation may be required	N/A
Appeals	Classification: Planning Commission (PC) Demolition: Council Appeal of Classification/demo: Hearing Examiner (HE) Further appeals: Kitsap Superior Court	Nomination: Planning Commission (PC); Changes/Alterations: PC Demolition: Council Appeal of Nom/Changes/Alts/Demo: HE Further appeals: Kitsap Superior Court	Nomination: HE Changes/Alterations: HE Demolition: HE Appeal of Nom/Changes/Alts/Demo: Kitsap Superior Court	Planning Director
Other	<ul style="list-style-type: none"> Incentives if placed on register 	<ul style="list-style-type: none"> Signage Provided Zoning Relief available Demolition by neglect provision applies Eligible for tax incentives 	<ul style="list-style-type: none"> Signage Provided Zoning Relief available Demolition by neglect provision applies Eligible for tax incentives if on local register 	<ul style="list-style-type: none"> Signage provided Honorary designation only

Criteria, Identification Approval and Appeals of Local Register Eligible, Local Register, Heritage Properties and Historic Island Farms Table

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June 7, 2016



CITY OF
BAINBRIDGE ISLAND

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

MEMORANDUM

DATE: JUNE 23, 2016
TO: PLANNING COMMISSION
FROM: JENNIFER SUTTON, AICP
SENIOR PLANNER
SUBJECT: COMPREHENSIVE PLAN UPDATE

I. REVIEW DRAFT *HISTORY* SECTION OF INTRODUCTION

In 2015, the Comprehensive Plan Steering Committee requested that the Historic Preservation Commission (HPC) review and recommend changes to the *History* section of the Plan *Introduction*. The *History* section of the existing plan is attached, as well as the new *History* section that has been rewritten by the HPC

Planning Commission Action: Review and recommend any changes to DRAFT *History* section. The Commission should ask questions of staff, planning consultant Joe Tovar and the HPC about the information presented.

II. “CONSISTENCY CHECK” ON DRAFT COMPREHENSIVE PLAN

DRAFT Land Use Element

The *Land Use Element* was the first reviewed by the Commission during the summer and fall of 2015. The Commission discussed the revised DRAFT of the *Land Use Element* at the June 16th meeting. Changes requested during that meeting will be integrated into the DRAFT Land Use Element available to the Commission and on the City website on Monday June 20.

DRAFT Economic Element

The DRAFT *Economic Element* was dramatically updated and reorganized when the Commission initially reviewed it in the Fall of 2015. An attached memo from Mr. Tovar discusses about the slight revisions incorporated into the attached DRAFT *Economic Element*.

DRAFT *Water Resources Element*

The Commission completed their review of the DRAFT *Water Resources Element* in April 2016. See Mr. Tovar's memo, to be forwarded to the Commission and on the City website on Monday June 20.

Planning Commission Action: Discuss suggested changes to the DRAFT *Land Use, Economic and Water Resources Elements* and, and recommend any changes. The Commission should ask questions of staff and Mr. Tovar about the information presented.

III. NEXT STEPS

In July, the Planning Commission will continue the "Consistency Check" on the Comprehensive Plan Elements reviewed to date, will also begin to review the Utilities and Capital Facilities Elements. Workshops will be held on the Human Services Element and Cultural Element on July 14 and 28, respectively, immediately prior to the regular Planning Commission meetings.

A HISTORIC GUIDE FOR COMPREHENSIVE PLANNING

INTRODUCTION

The purpose of this guide is to provide a historic backdrop to community planning in order to understand how what Bainbridge Island used to be and how it evolved into what it has now become. The hope is that a historic perspective will be a guide not only in terms of preserving history but how the historic record can aid future considerations.

THE GEOGRAPHIC / GEOLOGICAL PERSPECTIVE

The first guide should be the physical nature of the island because physical geography has always shaped human geography. Geologically, the island is split with the southern third being made up of sedimentary bedrock thrust up from the sea approximately 18 to 30 million years ago. As it lies on a seismic fault line, the most prominent feature is the steep gradient around Bill Point and serving as the backdrop for Rockaway Beach. The primary environmental concern for the southern third of the island is the limited water supply due to the impenetrable bedrock. The northern two thirds (Eagle Harbor is the dividing line) is made up of sand, clay and gravel deposits. These deposits continue to be commercially extracted, but the primary benefit is more accessible ground water supplies.

Another geological force that has shaped the island and its surroundings was the Ice Age. Successive glacial periods dug deep into the landscape and has left behind deep bodies of water and numerous islands. The island chain that runs from Puget Sound to southeastern Alaska is not unlike the fjords of Norway. Puget Sound is deeper than other similar bodies of water on the eastern shore of the United States. This would prove important in the development of the island's first industry. The ice ages has had the effect of taking away topsoil when the glaciers retreated. While large evergreen forests flourished when it laid deep roots, the acidic soil proved limited when it came to agriculture. That is with one important exception.

As noted earlier, Bainbridge Island lies in a seismically active region. Not only does a fault line run from Eagle Harbor to Seattle, but other faults are active and there is always the potential disaster of a magnitude 9.0 or higher quake caused by a subduction force involving the North American Plate with the Pacific Plate. However, the region has been fairly fortunate because only three earthquakes over 6.0 on the Richter scale have occurred since World War II: 1949, 1965 and 2001.

Because the West Coast is the youngest section of the North American continent, the mountains are more of a geological force than they are in the eastern and central sections of the continent. Consequently, the hot and cold air masses that create extremes in those regions are notably absent in the Puget Sound region. The Cascade wall in combination with the Japanese current give the region one of the mildest climates in the country. The much maligned extensive rainy season is due to the jet stream and the Gulf of Alaska. Cool moisture develops in these regions and brings a steady stream of wet weather beginning in mid to late autumn and lasting well into spring. However, the summers are generally mild and dry which makes them far more attractive than the oppressive heat and humidity that make up for summers in the central and eastern regions or the hot dry conditions of the Southwest and Mountain West.

These features created a unique ecosystem centered on large evergreen forests and mineral rich seas producing rich marine life and various forest birds and mammals. For centuries the Native Americans of the northwestern coast of the North American continent (stretching from southeastern Alaska to the Puget Sound region) lived in tandem with this environment with the seas as a source of food and the land as a source of clothing, shelter and requisite industries to create all three.

EUROPEAN AND AMERICAN EXPLORATION

Of particular interest to Bainbridge Island is the Suquamish tribe. There is no written record as to when the Suquamish arrived. Only specific artifacts and petroglyphs provide a look into the past. What is known about Suquamish life on Bainbridge Island came from those Europeans who explored the area and provided written and photographic records. Approximately 38 specific Suquamish communities have been catalogued on the island, and all, with one exception, have been on or near the coast. This has led to speculation that the Suquamish only lived on the island during the fishing and growing seasons. This may be true, but this speculation has been used as a justification for taking the island out of Suquamish hands by saying that the Suquamish did not “own” the land.

The “discovery” of Bainbridge Island came in 1792 although it wasn’t charted until 1841. Capt. George Vancouver was searching for the elusive Northwest Passage and sailed down the Strait of Juan de Fuca and found an inland passage to the north he named the Straits of Georgia (after King George II) and the sound to the south Puget Sound (after Peter Puget, a commander on Vancouver’s ship, whose parents were French Huguenots who fled to England after the revocation of the Edict of Nantes which provided tolerance of Protestantism. As might be guessed from the name Strait of Juan de Fuca (named for a Greek born Spanish explorer) the Spanish made forays on Washington State’s Pacific Coast.

Capt. Vancouver and Lt Cm Puget recruited the help of native elder whose Anglicized name was Kitsap. Vancouver’s legacy are the geographic names he provided to most, but not all, of the Puget Sound region such as Vashon Island, Whidbey Island and Kitsap Peninsula. The need to fix a broken mast stem caused Vancouver to anchor off Bainbridge Island and cut down a tree in order to restore his ship’s ability to continue. The island feature he anchored near was appropriately named Restoration Point.

The United States was too young and weak to lay any claim to such a distant land, but this began to change in 1803 with the Louisiana Purchase and the subsequent Lewis and Clark Expedition. In 1818, the region that now encompasses Oregon, Washington, Idaho and British Columbia was formed as the Oregon Territory with joint British and American custody. Another charting expedition was done by front men for the Hudson Bay Company. However, the British came to trade and not settle so their impact on the region was minimal.

It was in the 1830s that the United States sent out its own expedition team to make its presence known. It sent out Capt. Charles Wilkes whose expedition spanned the globe and his name lives on in the barren wastes of Antarctica. In 1841, Wilkes entered Puget Sound to do his own mapping of region. He was the one who put Bainbridge Island on the map, as opposed to a peninsula, and named it for a War of 1812 naval commander Commodore William Bainbridge. He also named Eagle Harbor, Bill Point, Wing Point, Port Blakely (for Capt. Johnston Blakely,

also a former naval commander), Port Madison (for a former president) and Point Monroe (another president).

While Wilkes' expedition did not have an immediate impact, it soon would. American settlement did, however, happen in the Willamette River Valley and Americans by the 1830s and 1840s, Americans were in an expansionist mode. The acquisition of Texas under John Tyler whetted appetites, and when James K Polk entered the Oval Office he did so with a pledge to make California and Oregon American territories. To obtain California (and the entire southwestern United States) a contrived "incident" in Texas gave Polk and Congress the green light to declare war on Mexico whose own independence was achieved a little over twenty years earlier and the country hopelessly chaotic. Obtaining Oregon had to be more delicate because Polk knew he couldn't afford a conflict with Britain. Rather than give into the "Fifty-four Forty or Fight" jingoists, he settled to simply extend the 49th parallel boundary in the plains out to the Straits of Georgia with Vancouver Island going to Britain.

Bainbridge Island might have remained untouched for years were it not for a discovery in California just as the ink on the Treaty of Guadalupe Hidalgo giving half of Mexico to the United States was drying. The discovery of gold led to a get rich quick frenzy and settlement of Yerba Buena became the boom town of San Francisco. It was also a town of anarchy and arson reigned supreme in the early days. It was clear that a readily available supply of timber be available not only to rebuild and expand the city but also to build ships needed for trade with Eastern Seaboard as land travel was impossible at the time.

THE FIRST INDUSTRY: RESOURCE EXTRACTION

In 1853, a lumber agent from San Francisco named George Anson Meigs ventured out to Puget Sound to establish a lumber mill that could provide lumber to the region. Meigs did not create a lumber mill from scratch. He found one in existence on Apple Tree Cove near present day Kingston owned by J.J. Felt whose name has been lost to ages. The key to a successful lumber mill for long distance shipping was not just a ready supply of timber but a sheltered deep water port. Ensuing hostilities with the Suquamish who were seeing their livelihoods threatened may have forced Meigs to relocate to Port Madison or he may have thought Port Madison offered a better port and better timber for more expansion.

In any event, the Treaty of Point Elliot ceded any Suquamish claims to Bainbridge Island. Meigs was able to purchase (or claim) the northern third of Bainbridge Island from the US Patent Office. Meigs Lumber and Shipbuilding Company and the mill town of Port Madison become the county seat of Slaughter (thankfully renamed Kitsap) County. Port Madison had all the accoutrements of a late 19th Century mill town: a hotel, a school, a foundry, a church, barrack housing and family housing, a printing press, and truck farms. In addition to owning the lumber and shipbuilding enterprises, Meigs was also active in the town's political and social life. As a New England Puritan, Meigs did not allow alcohol consumption in his town and made attendance in his church a requirement. The first Catholic Mass celebrated in Port Madison was in the home of the hotel owner, Phillip Wist.

Meigs' overreaching hand into the social and political life of his town ended up costing him his business. While he paid close attention to his mill and shipbuilding enterprises, he tended to overextend himself financially. In addition, he trusted his business partner and lumber dealer

in San Francisco, William Gawley. His trust in Gawley proved fatal because Gawley embezzled money from Meigs' company to speculate on extremely volatile stock equity in mining companies. The companies failed, the stock was worthless and the money gone. Before long so was Gawley, he committed suicide shortly thereafter. His wife apparently had no sense of shame. She sued Meigs for her husband's share of the company assets.

Meigs had suffered blows before such as a boiler explosion in 1861 and fire in 1864, but the Gawley episode was the opening salvo for the collapse of Port Madison. A worldwide economic slowdown caused a steep drop in demand for lumber. The mill operated at two-thirds capacity and the shortfall in revenue combined with depletion of reserve capital due to the Gawley affair resulted in mounting debt obligations. Meigs made a last ditch effort to raise capital by incorporating and selling stock in the newly formed Port Madison Mill Company. It didn't work and his assets were liquidated via sheriff sales. Meigs retired but was never free from the court system. He died of an accidental drowning in Seattle while boarding a boat to return home. He had been in Seattle to testify in libel case. Port Madison as once thriving mill town lives on only in memory. Virtually all remnants have been torn down and only the historical record remains.

Port Madison was the first but not the only mill town on Bainbridge Island. Capt. William Renton, a ship captain who, like Meigs, also came out to San Francisco during the Gold Rush and was attracted to the potentially lucrative timber trade. Renton's first mill in 1852 was at Alki Point in Seattle, probably the worst place in Puget Sound, moved in operations to Port Orchard. In 1863 he moved his operations to Port Blakely on the south end of the island. Renton found an ideal place with plenty of flat ground to build and expand operations and, surprisingly enough, an adequate water supply. In addition, Port Blakely was an excellent sheltered deep water port.

While Meigs and Renton were alike in many ways, they were very different in the way they handled business. Renton was born in Nova Scotia, which is one of Canada's Maritime Provinces and long one of the "have not" provinces of Canada, but Nova Scotia was known for producing Canada's most acute business minds. This probably explains why the Bank of Nova Scotia is the only major Canadian bank not based in Toronto or Montreal. William Renton had the stereotypical Nova Scotian mind.

Renton knew that in order to survive in a very cyclical industry he needed to innovate in order to cut costs and spread the risk. He attracted investors and became a consultant on various ventures, including coal mining on the burgeoning coal fields at the south end of Lake Washington. The settlement that grew there now bears his name. Perhaps his greatest business coup was that rather than build his own ships he partnered with a family of professionals. Consequently he was able to create a market for his lumber without risking capital to build ships the way Meigs did. The Hall Brothers of Massachusetts had a successful business in Port Ludlow but found expansion difficult. Renton offered land near his mill which was accepted and Port Blakely grew substantially. By 1890, despite a devastating fire two years earlier, Port Blakely was the largest sawmill in the world.

Not only was Port Blakely booming, but it was also a lively cosmopolitan town. Renton took no part in dictating the town's social and political life the way Meigs did. Meigs tried to create a Calvinist Geneva, Renton preferred a more Corinthian city. Renton's only involvement was construction of the town and encouraging immigration and investment. Immigrants from various parts of Europe came to Port Blakely as well as a substantial Japanese community who built

their own communities of Yama and Nagaya on the southwestern side of the harbor which had an ice cream parlor and traditional Japanese steam baths. A large hotel, the Bainbridge Hotel was built which expanded revenue. In addition, social clubs, like the Oddfellows took root as well as the eventual development of Pleasant Beach which became the Coney Island of the Northwest with its bowling alleys, swimming pools, theatres and the like.

EXPANSION INTO MANUFACTURING AND AGRICULTURE

Port Blakely's success laid the foundation for new industries and an eventual reshaping of the island's human geography. The first major development came in 1903 when the Hall Brothers' success eventually caused them to outgrow their site. A lot of port towns probably took interest in having the brothers relocate to their settlements, but only the community of Madrone on the north shore of Eagle Harbor resorted to vanity and won the day. They promised the Hall Brothers that if they relocated their operations to their community. The brothers agreed and Madrone became Winslow and the renamed town would soon become the urban center of the island.

The relocation of the Hall Brothers to Eagle Harbor was the harbor's first development. The second came two years later with the development of the Pacific Creosote Company on the south side of Eagle Harbor near Bill Point. Creosote is a coal-based tar used primarily for preserving wood from rot and other forms of decomposition. The most monumental customer for the newly formed company was the Panama Canal. It was used for railroad ties, telephone and electric poles and pilings for docks and other maritime uses. Logs were shipped in from various places in the Puget Sound region and beyond as well as coal. Historians state that the coal was shipped in from Wales which seems rather odd given the fact that there were more readily available sources of coal. The operation was both a chemical refinery that produced the creosote and a sort lumber yard as refined logs were treated with the product.

As Port Blakely went into a long decline during the first decades of the 20th Century (it closed in 1927) not only did Eagle Harbor rise to prominence but a new industry was developed on the denuded landscape, agriculture. Agriculture on Bainbridge Island is as old as the Port Madison mill as family farms began to dot the landscape providing food for the mill workers (so called truck farms). During the Port Blakely era the first specialized form of agriculture was dairy farming and first farmers were Swedish immigrants. Milk and cheese was sold not only to Port Blakely but also vacationers on Pleasant Beach and the burgeoning summer community of Seattle's elite forming around Restoration Point. If we wish to pinpoint when Bainbridge Island began to turn into a wealthy exclusive community, the development of Restoration Point and the Country Club would be the starting point.

The real agricultural revolution came from the Japanese immigrants. The Japanese, out of necessity, have been skilled at wresting food from a rugged landscape. In addition, Japanese culture has turned gardening into an art. Japanese families, using their children as titleholders, purchased vast stretches of wasted timberland and manually cleared it of stumps and wood debris. The Japanese had to use their children because the law did not allow non-citizens to own land and did not allow Japanese immigrants to become citizens. Their children, however, were automatically citizens by virtue of being born on American soil.

Bainbridge Island's soil and climate might now appear as high quality to those looking to grow

deep rooted staple crops like corn, wheat or even many vegetables. However, the soil proved to be ideal for the seasonal cultivation of strawberries. The farmers also formed a grower's association to better market their strawberries and, more importantly, can them in order to sell them to markets beyond the Seattle area. The Marshall strawberries the growers specialized in were renowned for their sweetness and Bainbridge Island's canned strawberries became a favorite all over the world including, as legend has it, the British royal family.

The strawberry industry brought in a new addition to the island's ethnic mix. The Philippines was an American colony from 1900 until 1946 which gave them access to the United States mainland, but not citizenship rights. When the colony experienced an economic depression in the mid-1920s many Filipino men came to West Coast to find work, and one of the cities they came to was Seattle. While there some of them heard of opportunities to work the strawberry fields during the summer growing season. Not only are strawberries labor intensive when it comes to harvesting, but they are also high maintenance because weeding, pest control and other work is needed for a successful crop. The Filipinos lived in barrack type housing as all of them were bachelors. Families were not permitted to immigrate to the United States. Consequently, many of them married Native Americans (from Canada as it turns out). Before long, the Filipino workers became seasoned enough to manage strawberry fields, and this turned out to be a godsend and a milestone.

World War II abruptly altered Bainbridge Island life. Some changes were temporary, but others became permanent. The temporary changes was the increased activity and population of Fort Ward which proved to be a vital communication center as well the radio tower located at Battle Point. In addition, the Hall Brothers enterprise, renamed Winslow Marine and Railroad Company, did a 24/7 business building and deploying minesweepers. Workers relocated to the island and lived in temporary housing east of present day Town and Country.

However, one change resulted in permanent changes for the island and permanent damage to more than 200 of its citizens. The attack on Pearl Harbor by the empire of Japan turned an already tense relationship between whites and the Japanese on the West Coast into hysteria. Nativist sentiment surged during the 1920s and the Ku Klux Klan (reborn in the South after the 1915 film Birth of a Nation) grew to over four million members by 1927 as it broadened its enemy's list to include all non-whites, all immigrants and all non-Protestants (Jews, Catholics and Orthodox). The Japanese were targeted out of resentment for their success in agriculture and business. For reasons not entirely clear, President Franklin Roosevelt signed into law Executive Order 9066 which ordered that Japanese Americans living on the West Coast be relocated to internment camps for the duration of the war.

Bainbridge Island was one of the few places, perhaps the only place, where Japanese Americans were considered part of the community and not an excluded or excluding minority. Whether because of the sensitive military sites (Fort Ward intercepted coded messages that executed the attack on Pearl Harbor) or as a "test run" for the relocations to come, Bainbridge Island's Japanese Americans were given six days to pack their worldly goods, arrange for dissolution or custodianship of any businesses or farms they operated and gather at the Eagledale dock on March 30, 1942 for transport to Seattle by boat and then to Manzanar, California by train. The choice of Eagledale (on the south side of Eagle Harbor) is a curious one. By that time, Winslow was the primary ferry dock. The speculation is that Eagledale was chosen to prevent neighbors from gathering in support of their friends and neighbors and

making an already difficult task even more difficult.

For our purposes, the relocation caused a severe rupture in the strawberry industry. The saving grace, however, was that the Filipino field workers were able take over as custodians of their farms. When the war ended, some Japanese resumed strawberry farming (Akio Suyematsu and the Koura brothers) but some families turned to new careers. Some did not return. The most vivid casualty was Bainbridge Gardens. The Harui family once had a garden and nursery oasis near Island Center complete with greenhouses and an ice cream parlor / soda fountain. After the war it all fallen to ruin and only a dilapidated wooden building with “Bainbridge Gardens” painted in blue barely visible.

TRANSPORTATION AND EDUCATION

A number of factors influence human geography and transportation patterns are a primary one. For eighty years (1850s to the 1930s) settlements on Puget Sound coincided with passenger steamer service. The fleet of passenger steamers plying the Sound and the frequency with which they traveled became to be known as the Mosquito Fleet because they seemed like a swarm of mosquitos. The well-known road-ends that dot island’s coast are a remnant of those days. For decades, settlement on the island was relegated to coast hugging communities with Mosquito Fleet landings (eighteen total). Port Madison, Port Blakely and Madrone / Winslow were ports of call along with Venice, Crystal Springs, Eagledale, Point White, Seabold and others. Each of these communities had their own commercial districts, most of which are gone. The closest remnant to the Mosquito Fleet that survived the demise was the passenger only ferry from Point White to Bremerton. It ceased operations in the 1970s.

The Mosquito Fleet’s demise in the 1930s was a combination of many factors, but the advent of the automobile covers them all just as it has altered settlement patterns throughout the United States. The automobile did not make its appearance on Bainbridge Island until 1921, but that began a trend. Auto ferry service commenced via barge from Point White to Retsil, but this was a sporadic service out of the need to move a car from the mainland to the island. Scheduled auto service commenced in 1923 from Seattle to Port Blakely (a straight shot) but then moved to Winslow in 1937 when commercial activity centered in that region. In addition, a Brownsville to Fletcher Bay auto ferry operated until the completion of the Agate Pass Bridge.

While ferry service from Winslow to Seattle remains the same route since 1937, the makeup of the fleet has evolved substantially. The increase in auto ferry service in the 1930s was made possible by the purchase of a fleet of ferries from the San Francisco Bay Area. The completion of the both the Golden Gate Bridge and the San Francisco – Oakland Bay Bridge. The operators of this fleet was Puget Sound Navigation Company (Black Ball Line). A crippling labor strike resulted in the State of Washington purchasing Black Ball’s Puget Sound operations in 1951.

The Seattle - Winslow route has long been the most used so the route was the first recipient of new ferry classes, and these new classes reflect the island’s growth. The first class of ferries from the State fleet were the Evergreen State class which carried a little less than 1000 passengers. The next class came in 1967 with a passenger capacity of 2000 and auto capacity of 144 and included the Hyak, Kaleetan, Yakima and Elwha. This class expanded in 1973 as the 1967 ferries went to other routes. These were the Spokane and Walla Walla. The next and

current class to operate the Seattle – Bainbridge Island route holds 2500 passengers and an auto capacity a little over 200.

As ferry transportation moved from passenger to auto ferries and centralized to one location, road travel was improved which increased farm commerce but also increased access for non-agricultural residential settlement. The 1950s saw the most important development in road travel. The Agate Pass Bridge was completed in 1950 and travel from the ferry to bridge was expedited during the 1950s and renamed State Route 305 in 1964. Despite the increase in population of north Kitsap County and Bainbridge Island along with their reorientation as Seattle exurbs (beyond suburbs), the highway has changed little since then. The number of traffic lights have increased so that there are now four on Bainbridge Island, but the traffic volume is far greater than ever imagined.

Similar to transportation patterns, education facilities on Bainbridge Island have centralized and grown. Schools had previously been neighborhood schools, first in the mill towns (Port Madison was the first) and then in various communities. By the 1920s there were approximately eleven neighborhood schools. In 1914 there were two high schools (Port Madison and Winslow) but these combined in 1928 when Bainbridge High School was built. Eventually, the neighborhood schools became part of a network of elementary and middle schools into the Bainbridge Island School District. Until recently, private schools were rare on Bainbridge Island. The only private school of importance was the Moran Preparatory School, a forerunner of Seattle's Lakeside School, and acted a more of a British type boarding school than any of the smaller private schools seen today.

By 1960 there were two elementary schools (Capt. Charles Wilkes serving the north end and Capt. Johnston Blakely serving the south end) covering kindergarten to the fifth grade, one middle school (Commodore William Bainbridge, which everyone called Commodore) covering grades six through eight and the high school and then the high school. A new elementary school, Ordway, was added in 1978. Ordway was named for Elizabeth Ordway, the first school teacher on Bainbridge Island, and it was the first major school named after an island civilian. Population growth three major changes. First, the elementary schools stopped at the fourth grade. Fifth and sixth grade students Sonoji Sakai Intermediate School with seventh and eighth grade students attend Woodward Middle School (named for the editors Walt and Millie Woodward who defended of Japanese-Americans during their internment). These schools were constructed on a site near Sportsman Club Road, thus creating a new educational epicenter.

Population growth was not the only factor in changing Bainbridge Island schools, changes in demographics played a major role. The demographic change was not racial but social, a change that will be touched on later. Our focus here is that these changes led to more educational diversity, options and an increase in academic competitiveness. When Commodore ceased its role as a middle school it was not torn down, at least not in whole, but changed its role as the Commodore Options School.

The Commodore Options School consists of Eagle Harbor High School, Odyssey Multi-Age Program and Mosaic Home Education Program. All three involve programs, courses and practices like independent study, work experience, service learning and other programs that are more academically challenging or accommodating. Bainbridge High School has also

changed with higher standards and homework loads than students faced 30 to 50 years ago and the disappearance of shop classes such as auto shop, wood shop and metal shop.

In addition, to the academic changes in the island's public school system, the last three decades have seen an increase in private schools. There are currently five private schools operating on Bainbridge Island, all but one beginning since 1990. They include a Waldorf School (Madrona), a secular elementary school (Island School), a secular progressive middle school (Hyla), a Protestant school (Carden Country) and a Catholic school (St. Cecilia). All three involve high tuition rates. While Catholic schools proliferated in even the poorest towns and urban neighborhoods, the steep decline in religious sisters since the 1960s forced many of schools to close. The advent of St. Cecilia speaks more of the demographic changes than a surge in vocations to the consecrated religious life. All of the teachers are part of the laity.

Higher education has little history on Bainbridge Island with two exceptions. In the early 20th Century the island was home to a naval academy. From 2002 to 2012, the island was home to Bainbridge Graduate Institute offering MBAs that focused more on environment and ethics than profit and finance.

DEMOGRAPHICS AND DEVELOPMENT / CONFLICT AND COMMUNITY

The stereotype of Bainbridge Island today is that it is a wealthy enclave similar to Marin County, California. There is truth in that statement both in the past and certainly the present. As mentioned earlier, Restoration Point had long been a summer community of Seattle's "old money" class with its gated community and historic Country Club. In addition, Pleasant Beach was a fashionable resort in the early 20th Century and the prestigious Moran Preparatory Academy schooled the local elite. Yet these were enclaves. Summer homes for the middle class also dotted island beaches, particularly Point Monroe, where in 1970 one could count among its summer residents a firefighter, a purchasing agent, a textbook salesman, a phone company representative and an arbitrator. Only the arbitrator could be said to have had any elite background since his father was once mayor of Seattle.

However, this was the old Power Elite, to quote left-leaning sociologist Charles Wright Mills. Mills would be astonished to know that the a new elite has developed and Bainbridge Island has become home to it and vaulting with it not only per capita income levels but housing prices as well. According to the US Census Bureau the median family income on Bainbridge Island (2009 – 2013) was \$95,481 while Washington State's was \$59,478. The average home value on Bainbridge Island (2009 – 2013) was \$551,700 while the state average was \$262,100.

The construction of the Agate Pass Bridge and State Route 305 set an evolution of development on Bainbridge Island. This not only facilitated transportation on the island, but it made it a sort of gateway even though it was a gateway to a relatively rural peninsula. The community of Winslow incorporated as a city in 1947, but the city was small. The 1950 Census counted 647 residents. By 1990 that had grown to 3,081. As agriculture began to decline, it never recovered from the blow of internment, year round suburban residents began to make their home on Bainbridge Island. The first supermarket opened in 1957 and another shopping complex (the Village) was completed in the mid-1960s.

Two developments happened in the 1970s that moved the island from a rural to a suburban

community. The first occurred on Kitsap County in 1973 when the US Navy announced that an ammunition depot on the western shore of central Kitsap would become home for the nuclear submarine fleet for the US Pacific Fleet. The second came when the US Government constructed a 37 foot story Federal building on First and Marion St. In addition, Seattle was working to diversify its economy after the 1969 – 1971 “Boeing bust.” Seattle had become a “one company town” and the loss of nearly two-thirds of Boeing’s workforce caused unemployment to increase to 14%.

Consequently, a number of high-earning professionals, both in Seattle and in the naval facilities of Kitsap County were looking for an idyllic place to live. Bainbridge Island was an obvious choice for Seattle Federal workers. The building was within blocks of Colman dock which made a pedestrian commute possible. In addition, the downtown core itself grew and the professional workforce there discovered a leafy suburb that one could reach without a long commute by car. For US Defense Dept. engineers in Kitsap, Bainbridge offered a suburban location closer to Seattle than the other areas in Kitsap. One visible sign of demographic growth and changes, and potential target for nativist wrath, were would could be referred to as “blue tags.” California license plates, which had a blue background with yellow letters, appeared with more frequency in the late 1970s, having been relocated by their employers.

The growth was steady throughout the 1980s, and Bainbridge moved from a rural community with farms and local business to a suburb for attorneys, bankers, architects and civil servants. Long time natives found themselves no longer able to live in their homes due to increased property taxes. This inexorable evolution might have gone unnoticed had a few controversial developments not come about so quickly and abruptly. The controversial, and unsuccessful, development, known as the Port Blakely Tree Farm which was an attempt to construct 2000 homes on the south end of the island.

Two commercial developments sparked controversy, and there controversy may have been based on the symbolism of the names as much as the size of the development. First, the old Village shopping center and its local businesses with a much larger complex that displaced them. The development was even more controversial because the development was owned by a major real estate firm and because the flagship store was Safeway. Across the highway came the construction of a McDonald’s, a symbolic sign of suburban sprawl.

With the exception of Winslow, Bainbridge Island was unincorporated which made the county the government agent in control of development and law enforcement. The Agate Pass Bridge may have bridged the island to Kitsap County physically, but the demographic changes and the island’s reorientation toward Seattle made the psychological gap wider than it had previously been. Coinciding with new developments on Bainbridge Island was the explosive sprawl in a previously small hamlet at the head of Dye’s Inlet known as Silverdale. The construction of Kitsap Mall by the Safeco subsidiary Winmar Corporation spawned an almost overnight metamorphosis from farm fields to acres of concrete block superstores and eateries, almost all of them part of a nationally known franchise. Bainbridge Island residents questioned if the county would sacrifice their community in pursuit of real estate and sales tax revenue.

In 1990 a campaign was formed called “Home Rule” with the goal of incorporating all of Bainbridge Island and the promise of local control over development. While many Bainbridge Island residents shared concerns about development, the details were hotly debated as was

the solution. The incorporation vote was the most contentious election in Bainbridge Island history, and by a narrow margin, the City of Bainbridge Island was born. The mayor of Winslow, Sam Granato, now saw his constituency expanded five-fold.

City incorporation did not forestall development, and coinciding with incorporation came another demographic shift that made the island home to a newer and wealthier class, the high-tech class. Although founded in Albuquerque, New Mexico, Microsoft relocated east of Seattle because the founders were from Seattle. Their contract with IBM to lease an operating system that would be compatible with every IBM computer made Microsoft the most important player in the world of computer software. Their success, along with a geographic location ideal for young energetic entrepreneurs, made the Seattle region the "Silicon Forest." In 2000, the Seattle region had the highest percentage of millionaires than any other part of the country. Some of these new technical firms came to the downtown Seattle core, and some of these high-tech and highly-paid professionals made their homes on Bainbridge Island.

The high-tech boom along with a national orientation toward the Pacific made Seattle a popular tourist and convention location. Bainbridge Island took advantage of this, and the once quiet Winslow Way with its utilitarian structure and tenant roll became a mecca for boutique restaurants, shops and other tourist oriented businesses. This, of course, also attracted those relocating to Seattle from other parts of the country.

BAINBRIDGE ISLAND AT A CROSSROADS

The newly formed City of Bainbridge Island did not constrict development, or at least as much as many no or slow growth might have liked. New developments such as the five-screen cinema and shopping complex and the Island Gateway development with the Bainbridge Island Museum of Art and home for an expanding high-tech company, Avalera. The development, completed in 2010, saw the demolition of the building that once housed the Eagle Harbor Market from the 1920s, the forerunner of today's Town and Country. However, the Visconti development (named for the Ohio based real estate company that built the project) on High School Rd and State Route 305 drew a level of negative attention not seen since the Safeway development in 1990.

One proposed development from the first decade of the 21st Century that never came to fruition was Winslow Tomorrow. The project would have rezoned Winslow Way and might have torn down nearly all the buildings on Winslow Way. The project, however, was ambitious and costly and would have maxed out the City of Bainbridge Island's credit and financial status. What put an end to Winslow Tomorrow and nearly bankrupted the city was the 2008 financial crisis that led to the deepest and longest recession since the Great Depression.

The root of the crisis was the speculative real estate market and the rise in risky sub-prime mortgages that created a high risk of default. Consequently, housing prices plummeted and many homeowners found themselves owing more on their mortgages than their homes were worth. While Bainbridge Island did not face the disastrous foreclosure rates that cities in California, Arizona and Nevada did, home sales dropped precipitously because bank credit contracted sharply. Many banks overextended their credit and were no longer solvent. One of those effected was American Marine Bank which began as Bainbridge Island Bank in 1946 and changed its name in 1970.

The City of Bainbridge Island was heavily dependent on real estate taxes and transaction taxes. The city found itself in a financial crisis and was forced to make drastic cut-backs. Frustration at the city resulted in an initiative to change the form of government from a mayor-council one to a council-manager system. It may have been seen as a referendum on Mayor Darlene Kordonowy, but whatever the reason, the initiative was approved.

Beginning in 2012, an attempt to reign in development grew into the highly controversial Shoreline Management Act. The details of the SMA will not be brought up for our purposes, but it has probably been the most ambitious land use restriction proposal ever created in Bainbridge Island history. The primary focus of opposition is that current shoreline homeowners believe that the city has infringed on their property rights to the point that they have taken away their property's value without compensation. What the future of the SMA remains speculative, and will certainly be important in the continuing story of Bainbridge Island.

The real estate market has rebounded and newer and larger homes continue to be built, often at the expense of older homes that recall what Bainbridge Island used to be. Older homes continue to remain, and many of been refurbished and are in excellent condition. The island continues to have an active agricultural base with strawberry farms being replaced by wineries and boutique style farms. Local industries continue to flourish on Bainbridge's Day Road Industrial Park (built on a farm owned by Australian born Graham Watson, founder of Watson Furniture Company) and beyond. The manufacturer of what has been called world's highest quality fishing gear (Sage) makes its home on Bainbridge Island.

Residential growth marches on in new ways with a plethora of cottage style homes in various neighborhood fashion. Bainbridge Islanders continue to try to keep a sense of community alive. The year 1989 saw the development of Winslow Co-housing, one of the first of its kind. Also in 1989 Housing Resources Bainbridge (formerly Housing Resources Board) was founded in order to create low to moderate income rental property. It recently expanded its role with the construction of Ferncliff Village, the first Community Land Trust on Bainbridge Island.

Bainbridge Island history continues. It did not stop when the Agate Pass Bridge was built or when the island became a city. To understand the present we must preserve reminders of the past in order to keep an understanding of the past alive.

INTRODUCTION TO THE 1994 COMPREHENSIVE PLAN

AN HISTORICAL PROFILE¹

The Island land mass was shaped by many natural forces.

Between Rockaway Beach and Fort Ward, 18- to 30-million-year-old sedimentary bedrock thrusts above sea level. Part of the Blakely Formation, this ancient ocean bottom yields fossils of marine life still found on the rock's southern shoreline. North America's steepest gravity gradient is found on the formation's northern edge. The edge stretches across the Sound from Elliot Bay to Eagle Harbor and, in part, accounts for the "Seattle Fault," a potentially active seismic zone. Geologists recently discovered that, about 1,100 years ago, a catastrophic event uplifted the portions of the Blakely Formation 23 feet, causing a tidal wave and likely forming the shoreline shelf that stretches from Rockaway Beach to Crystal Springs. The bedrock yields limited water and makes for rocky beaches.

The Island's north and central areas are sand, clay, and gravel deposits laid down by glaciers during the many Ice Ages felt here, the last as recent as 15,000 years ago. In these deposits have been found the dried remains of ancient rivers that once flowed across this land. One, from Mt. Rainier, flowed near Eagle Harbor before Puget Sound was carved. Another, from the Olympics, ran from Fletcher's Bay to Pt. Monroe before Hood Canal was formed. The Island's best freshwater aquifers are found among the glacial deposits, as are commercial sand and gravel resources, and the occasionally discovered remains of prehistoric forests and elephant-like mammoths. Vast, bountiful tide flats, beaches, and sand spits owe their existence to these deposits and the powerful, life-like balance of the forces of coastal drift- wind, current, and tide.

In geologic time, the climate has seen enormous changes; in recent times, our climate has been mild. Temperatures can range from 0 to 100 degrees, but they rarely reach these extremes. Though rainfall is not as heavy as in other regions (there was a 5-foot snowfall in the 1880s!), cloud cover and mist are more common. Earthquakes in excess of 6 on the Richter scale rock the area every few decades. Four wind storms topping 100 mph-two each from the north and south-have blasted Island forests and seas since 1962.

The people of this abundant inland sea, with its forests of giant ancient trees, were hidden for centuries from the world's navigators, except those with large cedar canoes from elsewhere on the coast. More than 36 Suquamish namesakes throughout Bainbridge recall native island villages, camps, and landmarks, including "Haleelts," the 1,500-to 3,000-year-old petroglyph at Agate Point; and Yeomalt, "the place where the north and south winds do battle," an early description of the area's "convergent zone." The forests, meadows, beaches, and bays teemed with plants and wildlife-deer, shellfish and salmon-that supported a flourishing and

¹ This Community Profile was prepared by Gerald Elfendahl, Curator, Bainbridge Island Historical Museum.

sophisticated native culture for several thousand years. Inhabitants of winter villages harvested their needs at numerous seasonal campsites. In May of 1792, some, including an elder named Kitsap, were harvesting rice root, wild onion and other edible bulbs when HMS Discovery anchored nearby off the south shore.

Captain George Vancouver was charting the coast for King George of England, a last search for the elusive Northwest Passage, when his men and ships anchored for two weeks off today's Bean's Bight. They left English names such as "Restoration Point," "Port Orchard," and "Mount Rainier"; collected botanical specimens; recorded descriptions of the region, including a map showing the Island as a peninsula; and enlisted Kitsap to guide them on their way north.

In 1824, a Hudson's Bay Company survey team again sought Kitsap's help during a visit to T'chookwap (Port Madison) on "Suquamish Bay." They found that Kitsap had gone fishing. And, they found "an opening to the west," Agate Pass.

Seventeen years later, after mapping much of Antarctica and the South Pacific, teams from the U.S. Exploration expedition, under Lt. Charles Wilkes, surveyed the Oregon Territory and put Bainbridge Island on their map -- so named for the captain of the USS Constitution during the War of 1812. Added to the 1841 Yankee map were: Port Madison and Point Monroe (for former presidents); Port Blakely (for another War of 1812 naval hero), Eagle Harbor with Wing and Bill Points; Rich and Agate Pass (for U.S. Ex. biologist and artist), Point White (for the seabird "painted" boulders there), and Point Gordon (not every name stuck-it was already Restoration Point). Wilkes' surveyors saw Suquamish houses with large potato crops on the east Island shore. Settlers seeking their "Manifest Destiny" soon followed Wilkes' maps to Puget Sound.

Following the '49ers gold rush, several California capitalists sent agents north lured by dreams of building "The Gateway to the Orient" and large stands of giant timber. George Meigs occupied land in 1854 Port Madison and founded Meigs Lumber and Shipbuilding Co. The following year, the U.S. government negotiated treaties with indigenous peoples which established reservations, retained native hunting and fishing rights, provided other considerations, and also paved the way for U.S. Land Office surveys in 1856 and subsequent land claims by an oncoming wave of settlers.

Island settlement centered around two mill towns, Port Madison and Port Blakely, founded a decade later by Capt. William Renton. These mill towns processed timber from throughout the region. Port Madison was the Kitsap County seat in the new Washington Territory until the 1890s. The Island's first newspaper, the Port Madison Weekly Sawdust Gazette, was published in 1878. Both towns had large hotels, schools, foundries, and substantial shipbuilding enterprises. Between 1880 and 1903, the Hall Brothers' Shipyard at Port Blakely built 88 vessels, most of which were large schooners for hauling lumber. The economic depression of 1893 helped close the Madison Mill. Port Blakely milltown grew to become the largest lumber mill in the world by the turn of the century. It closed its doors in the mid-1920s, 57 years after it began, and its buildings were dismantled, recycled, or destroyed.

These international export mills sent northwest lumber throughout the world, and brought seafaring people back to Island towns. Almost every language could be heard in those days. Europe was represented on the Island by newcomers, especially those from Scandinavia, the British Isles, Germany, Italy, Spain, and Yugoslavia. The Pacific Rim was represented by

newcomers from Hawaii, China, Japan, the Philippines, and Australia. Even sailors from Africa and South America joined the communities, as did natives from up and down the northwest coast, as well as other North Americans-Nova Scotiamen, Prince Edward Islanders, New Englanders, Californians, and Midwesterners.

In the 1900s, the U.S. Army built Fort Ward at Bean's Point. Four gun batteries and a mine-field in Rich Passage provided coastal defenses for the Puget Sound Naval Shipyard until rendered obsolete by aircraft in the 1930s.

Area lumber mill and Hall Brothers' Shipyard owners moved their shipyards to a large sandspit on Eagle Harbor's north shore in the winter of 1902-03. The name of the town there changed from "Madrone" to "Winslow," honoring brother Winslow Hall. The new shipyard featured a 4,000-ton-capacity cradle and marine railway, the region's largest, built to haul ships from the sea for repair and maintenance. In 1905, across the harbor on Bill Point, the coast's largest wood preservative facility grew. The community there was named Creosote after the coal tar derivative that was shipped around the Horn from Wales for use as a preservative. Treated timber and pile helped build railroad lines, docks, shipyards, power poles, and even the Panama Canal, as the nation and west coast communities grew.

Five hotels and several resorts served visitors to early Island communities. The Port Madison offered elegant dining from the 1860s, the Bainbridge Hotel -- its Tye Room bar seldom closed -- served Port Blakely. The 40-room Pleasant Beach Hotel with its bowling alleys, swimming pool, billiard room, and pavilion, which hosted everything from church conferences to world championship prizefights, was considered the Coney Island of Puget Sound. The Hotel Winslow and other boarding houses served shipyard workers and visitors. The hotel at the Manitou Park Chautauqua grounds on Skiff Point held visitors who came to hear the likes of William Jennings Bryan and John Phillips Sousa. Residents and off-Islanders, alike, flocked to other seaside resorts with popular dance pavilions such as Eagledale's and Fosters' Resort at Fletcher Bay.

Water transportation determined early development patterns. The county's first commissioner declared that every shore road would go to the water, thus the Island's legacy of road ends every half-mile or so around the Island. At first, residents hailed steamers from rowboats, then floats, and finally docks. Communities grew around some 30 mosquito fleet landings and residents knew their captain's whistle signature. Everything from cows to the first Model T Ford automobiles came by steamer. The Sound's worst maritime accident, the sinking of the Dix, cost the Port Blakely community 38 lives in 1906. Car ferry service began by barge from Point White to Retsil. Regular car service to Seattle commenced in 1923 from Port Blakely and about the same time between Fletcher's Bay and Brownsville. In 1937, Seattle car ferry service moved to Eagle Harbor.

Eleven neighborhoods had their own schools until Islanders voted to consolidate in the 1920s. The county's first school was in Port Madison. High schools formed at Port Madison and Winslow as early as 1914 and were merged in 1928 to create Bainbridge High. An Island-wide network of dirt roads and make-shift school buses made consolidated grade schools possible too. One of the nation's finest private schools, the Moran Preparatory School, a forerunner of Seattle's Lakeside School, served young men from a Manitou Park campus. The Island has

seen at least 27 different public schools and over a half-dozen private ones, including Hill's Naval Academy.

Touring theatrical companies and locally produced performances helped keep the arts alive in the early mill towns. Silent films soon played at theaters in Fort Ward, Port Blakely, Manitou Park, and Winslow. In the mid-1930s, at Tudor-styled Lynwood Center, the Island's first sound theater was built and continues today, along with community participation in the arts, crafts, and performing arts.

County agricultural agents actively promoted farming enterprises after World War I. Land clearing with dynamite was taught and stump farms became some of the region's finest strawberry farms. Over a dozen greenhouse enterprises were also successful from around 1900 until World War II. Farmers of Japanese ancestry were leaders in and pioneered many of these enterprises.

The world depression hit the Philippine Islands before the United States and a second group emigrated from that country in the late 1920s. The first group came to work in the early lumber mills. The WPA drained Island swamps, graded ball fields, and helped build a Boy Scout camp. Islanders promoted a larger public works dream -- an Agate Pass Bridge. An empty Fort Ward was used to house homeless children.

In 1938, the U.S. Navy took over Fort Ward from the Army, confiscating several surrounding properties and evicting their owners. Large acreages were put into antenna fields overnight as a top-secret, international, radio listening station was built. Radio communication and code schools were also established that lasted through the Korean War. The Fort Ward command also oversaw the construction of the Navy's largest radio transmitter at Battle Point with a tower 300 feet taller than the Space Needle.

With the attack on Pearl Harbor and the commencement of World War II in the Pacific, the Island was hit hard. Bainbridge became one of the first communities required to respond to Executive Order 9066 which uprooted those of Japanese ancestry, most of whom were U.S. citizens, and forced them to move inland. A majority spent the war interred in one of several camps, while some enlisted in the Army. Editors of *The Bainbridge Review* kept Islanders up to date on the activities of displaced residents during the war and regular columns appeared from the internment camps. Editorials pointed out violations of the Bill of Rights inherent in the Executive Order. More than half of the uprooted Japanese-American families returned home after World War II. Winslow's shipyard workers labored round-the-clock, especially on the construction of almost two dozen Minesweepers, and car ferry service was initiated from Point White to Bremerton to accommodate Navy shipyard workers.

In honor of the young men who lost their lives in World War II, Island residents raised funds for a Living Memorial Field at the high school. With only hand tools, the world's largest public school student-built project, a 1,000 seat grandstand, was erected for the memorial by carpentry trade classes between 1947 and 1951.

Winslow incorporated in 1947, developed water and sewer utilities, and became the Island's urban center none too soon. The Agate Pass Bridge became a reality in 1950 and with it the Island's first highway, year-round real estate office, bank, and shopping center. The Army returned to install a Nike missile base and radar station. The Washington State Ferries took

over the old shipyard and Winslow, and with the completion of the Hood Canal floating bridge, became a busy connector to the Kitsap and Olympic peninsulas.

The Island Today

The once rural landscape began yielding to residential pressures as events such as the Seattle World's Fair led to the Island's continued "discovery." In some areas, summer cabins became year-round residences and berry farms became golf courses surrounded by cul-de-sacs. The Island has three privately owned courses. Two courses are the region's oldest -- Country Club and Wing Point. An Island-wide park district was formed in 1965, transforming former military lands and preserving other lands for recreational purposes, including a swimming pool. The State Parks acquired the Fay property near Port Monroe and waterfront portions of Fort Ward. Today, the fort is a National Historic District, one of at least ten historic areas and part of the 200 properties on the State's Island historic resource inventory. Archaeological sites also remain and are protected by state law.

Today, the skyline is lower -- forests have been logged two or even three times. Islanders voted to purchase Grand Forest from the state. Few salmon return to spawn in local streams and paralytic, shellfish -- poisoning toxins are now recorded periodically within the Sound. Since 1970, commercial divers have harvested geoducks from newly discovered deep-water beds. The largest industry is aquaculture. Disease resistant Atlantic salmon are raised by Norwegian specialists in floating pens off Fort Ward.

Environmental concerns led to the closure of the Island's oldest industry, the creosote wood preservative plant. New, land-based industrial efforts produce such items as commercial fish net systems, sport fishing poles, office furniture, and housing. Farm pursuits focus mainly on wine grapes, berries, produce, and livestock. A seasonal, weekly Farmers' Market offers home-grown produce. The school district is the largest employer, but many Islanders commute to King, and Kitsap County urban centers. Far from being isolated, Islanders play an active role in the world community and value cultural diversity.

Population growth pressures, environmental concerns, and county representation were among the issues that caused residents to study ways of gaining more access to government and more local control. In 1991, Islanders elected to annex all other areas to Winslow and to change the name of their new city to Bainbridge Island.

The forces of change, including this Plan, will continue to shape the Island.



ECONOMIC ELEMENT

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ECONOMIC PROFILE



ECONOMIC ELEMENT

WHAT IS AN ECONOMIC ELEMENT?

The future economy of Bainbridge Island is linked to the community's *vision* and strategy for dealing with future needs. A healthy, resilient economy, based on our collective future vision of the Island, is a tool for accomplishing larger community *goals* that will help create a robust future.

“The *vision* a community has of itself is important to its economy. Each community plays a crucial role in creating for itself an environment that is attractive to and nurturing of new and existing businesses. A vital economy requires adequate *public facilities* (water, sewer, roads, schools, parks, libraries, emergency services and utilities). A community that does all that AND preserves its natural features will have an edge when it comes to improving its economy.” (Washington State Department of Commerce).

The *Growth Management Act* (GMA) addresses the concerns of “uncoordinated and unplanned growth that potentially pose a threat to the environment, sustainable economic development, and the health, safety and high quality of life enjoyed by residents.” An important part of a healthy economy is the quality of the environment.

The Economic Element of the *Comprehensive Plan* is intended to guide the climate for enterprise and commercial exchange on Bainbridge Island and reinforce the overall vision and values of the *Comprehensive Plan* adopted in 1994, and subsequently updated in 2004 and 2016: to steward a sustainable community; to protect the quality of its environment: the water, air and land; and to encourage traditional resource based activities such as agriculture.

FRAMEWORK

Retain and enhance an economy that reinforces Bainbridge Island's diverse character and capitalizes on its assets, including: history and heritage, high educational attainment, diverse skills, artistic creativity, rural quality, agricultural base, natural resources, preserved *open spaces*, beaches and shorelines, maritime orientation, and proximity to the Seattle metropolitan area and the Kitsap Peninsula. These critical elements of our community identity and economy are all susceptible to anticipated changes in our climate, population and the subsequent

responses we make with regard to that change. By considering these changes explicitly we can work to increase the resilience of our economy and thrive in the face of change.

The Economic Element is ~~meant~~ **intended** to be integrated with other parts of the *comprehensive plan* because the economy is intertwined with all aspects of community life. The Economic Element recommends *goals and policies* which recognize the following considerations:

- 1. The Island's economic future *should* include enterprises that are diverse by type and scale, under local ownership and control; that offer a variety of employment options; and that support a broad range of income and skill levels.**

Bainbridge Island residents have high incomes relative to the rest of the state and region. However, the prospect of functioning solely as an exclusive high-income bedroom community is not desirable. The Comprehensive Plan aims to foster a diversity of residents and business opportunities, as does the Economic Element. Creating a diversity of jobs and affordable housing coupled with provisions for responding to market conditions and encouraging innovative business activity are important economic policy steps for the City's future.

- 2. Bainbridge Islanders are enterprising and are establishing small scale businesses which create jobs and grow bigger businesses.**

Over half of Island-based businesses are home-based. National studies indicate that small businesses provide impetus for new business development and job creation. Existing land use codes and City business tax structure are supportive of home-based and small-scale businesses. This *should* be continued and expanded into a more complete continuum of opportunities for locating and capturing Island-grown business.

- 3. When weighing choices regarding our future economy, the fundamental considerations *should* be the quality of the Island's natural environment and the community's desire to maintain the visual character.**

Bainbridge Island's quality of life is associated with forests and fields, waters and harbors, *open space* and abundant natural resources, and a thriving town center. These elements of Bainbridge Island are anticipated to be affected by climate change over the coming decades. Careful stewardship of our land and other resources - the foundation for our invaluable sense of place—will be necessary as we promote and permit new development, both residential and commercial.

The Economic Element incorporates fifteen *goals* and related *policies* as enumerated below. The order of the *goals* and *policies* does not in any way indicate preference or priority.

GOALS AND POLICIES

DIVERSIFIED ECONOMY

GOAL EC-1

Promote economic vitality, growth and stability.

Bainbridge Island has the opportunity to create a robust, resilient and durable economy by demonstrating early leadership and acknowledging the changes that will affect our economy. By planning for these changes and taking actions that support and encourage a local economy will help reduce community vulnerability to issues such as aging demographics, housing availability, transportation constraints, and climate change.

By providing enterprises that both serve and employ local residents, Bainbridge Island is better able to withstand fluctuations in the larger regional economy. In addition, people who live and work in their community are available to invest time and money in their families, organizations, and community life. A key to a healthy, stable and vital economy is to create and undertake business opportunities that anticipate and respond to conditions that affect our community. This can include identifying emerging markets, needs and trends such that Bainbridge Island is on the forefront benefitting from early leadership as they arise.

Policy EC 1.1

Develop and maintain regulations that provide support for our community's business sectors. These will prepare our strong existing business sectors for change, while encouraging the business community to look for emerging sectors that will be part of responses to change on Bainbridge Island and beyond.

Policy EC 1.2

The city *should* embrace diverse and innovative business opportunities compatible with the community and develop programs to make Bainbridge Island an attractive location for those businesses.

Bainbridge Island is affected by regional, national, international and global environmental and economic trends that change over time. Many of the current environmental and economic conditions were not predicted at the time the City incorporated and unforeseen changes are to be expected in the future. While we cannot control global economic or environmental conditions we can support the local economy by providing *policy* direction and land use *infrastructure* to allow for and encourage robust economic activity that are prepared for and responsive to change.

Policy EC 1.3

Coordinate with local business groups to track commercial activity, identify trends and assess the economic health of the Island. Adopt an economic vitality strategy to identify creative and appropriate ways for the City to encourage and stimulate business activity.

Policy EC 1.4

Support entrepreneurship by providing adequate *land use* designations in keeping with the character of the Island, while avoiding investment in sectors/activities/*infrastructure* that will not remain relevant or viable under future conditions and therefore likely to damage the character of the island.

Policy EC 1.5

In order to provide opportunities for business enterprise along a continuum, adequate space must be provided for growth that recognizes and protects the Island’s valued natural amenities, its limits of land and water and the quality of its residential *neighborhoods*.

Policy EC 1.6

Establish, maintain and share with interested parties a data base of indicators of the health of the sectors of the Island’s economy.

Policy EC 1.7

Partner with the Chamber of Commerce, the Bainbridge Island Downtown Association, and others to monitor the Island’s business climate and make appropriate adjustments to the economic vitality strategy.

INFRASTRUCTURE

GOAL EC-2

Provide sufficient and resilient infrastructure that is supportive of a healthy economy and environment.

Policy EC 2.1

Identify long-term *infrastructure* needs that support economic sustainability and are designed to withstand future conditions.

Policy EC 2.2

Support *infrastructure* enhancement to accommodate new information technology and changing conditions.

Policy EC 2.3

Implement infrastructure and technology improvements around *designated centers* to provide enhanced service and to retain and attract business.

SUSTAINABILITY

GOAL EC-3

Promote business practices that protect the Island’s natural beauty, and environmental health and support long-term business success.

Environmental protection is a value expressed in the *guiding principles* that are the foundation of the comprehensive plan. A quality environment promotes and enhances economic vitality of the community.

Policy EC 3.1

Encourage the use of *green building* materials and techniques in all types of construction, as well as design approaches that are responsive to changing conditions.

Policy EC 3.2

Help businesses find markets for surplus materials, by- products and waste.

Policy EC 3.3

Encourage local enterprises to participate in programs such as the Kitsap County Waste Wise and Green Community Initiative programs that recognize and assist business efforts to protect the environment.

Policy EC 3.4

Encourage public sector solid waste reduction, reuse and recycling.

Policy EC 3.5

Encourage existing and new businesses to become part of a linked cooperative whereby the by-products and waste of one enterprise become the raw materials of another.

Policy EC 3.6

Create opportunities to foster green technology and industries, such as energy, waste and information technology, which have the potential to create local, family wage jobs in our community at the same time we are protecting our natural beauty, environmental and economic health.

CIVIC LIFE

GOAL EC-4

Encourage a broad range of civic activities and organizations.

Non-profit organizations are a source of employment and other economic benefits for Islanders and utilize many local commercial and service providers. Volunteers also provide significant contributions to the local economy. Organizations such as Helpline House, Arts and Humanities Bainbridge, Bainbridge Island Museum of Art, Housing Resources Bainbridge, Bainbridge Island Downtown Association, and the Chamber of Commerce rely largely on volunteer efforts and provide irreplaceable resources to the community.

Policy EC 4.1

Support the non-profit sector of human and social service providers.

Policy EC 4.2

Encourage and recognize individuals, organizations, and businesses that volunteer time and skills to the community.

Policy EC 4.3

Encourage local business groups, educational institutes, and other entities to provide continuing education and skills development.

Policy EC 4.4

Promote Bainbridge Island as a community for families with high quality schools, recreational opportunities and a safe, clean environment.

JOBS/HOUSING BALANCE

GOAL EC-5

Provide a variety of *affordable housing* choices so that more people who work on Bainbridge Island can live here.

The Housing Element of the *comprehensive plan* provides several options for the development of *affordable housing* on the Island.

Policy EC 5.1

Continue to monitor the progress in implementing the Housing Element and evaluate new ways of providing *affordable housing*.

Policy EC 5.2

In concert with the Housing Element's Goals and Policies, pursue a housing strategy that seeks to accommodate a wide variety of housing options, both in design and affordability, to meet the demands of the full range of the population, including service sector employees, retirees, students, artists, and others.

DEVELOPMENT IN DESIGNATED CENTERS

GOAL EC-6

As the city's *designated centers* evolve, balance their roles as places of commerce and employment with their roles helping to meet housing needs and provide focal points for civic engagement and cultural enrichment.

Policy EC 6.1

Create great ~~central places~~ *designated centers* that will help the Island economy prosper and provide a high quality of life that integrates transportation, the economy, and the environment, creating ancillary benefits such as decreasing pollution (including *greenhouse gas emissions*), protecting *open space*, and creating local family wage jobs.

Policy EC 6.2

Utilize urban design strategies and approaches to ensure that changes to the built environment are at a locally appropriate scale and enhance the Island's unique

attributes, in recognition of the economic value of “sense of place.”

Policy EC 6.3

Utilize urban design strategies and approaches to ensure that the built environment is appropriate for present and future conditions, including the impacts of *climate change*.

Policy EC 6.4

Ensure the efficient flow of people, goods, services, and information in and throughout the Island with infrastructure investments, particularly within and connecting to designated centers, to meet the distinctive needs of the Island’s economy

Policy EC 6.5

Promote emerging business sectors such as artisanal and craft producers, including specialty foods and beverages, as well as low-impact, specialty manufacturing, including software, electronics and green technology.

Policy EC 6.6

Preserve and enhance activities that feature Bainbridge Island’s history of maritime, agricultural and art enterprises.

Policy EC 6.7

Monitor parking requirements in the **designated centers** and revise them as needed to encourage business development, while reasonably accommodating parking demand. This should be done in concert with efforts to increase use of non-motorized transportation and improve our local environment.

PUBLIC/PRIVATE PARTNERSHIPS

GOAL EC-7

Partner with local businesses and business associations on programs and projects to diversify and grow the City’s economic make-up, reduce sales leakage, attract spending by visitors, enhance local employment, and increase municipal tax revenues to support local services.

Policy EC 7.1

Leverage technology assets, such as existing fiber connections, to support technology-based businesses and potentially to pursue new revenue streams.

Policy EC 7.2

Focus on recruitment and “buy local” community marketing on consumer spending segments in which there is significant “leakage” and also a strong possibility of recapturing spending.

Policy EC 7.3

Support and enhance social, cultural, artistic, recreational and other learning activities for residents, workers and visitors.

Policy EC 7.4

Integrate programs and activities related to economic prosperity with objectives related to environmental sustainability, social and political equity, climate change adaptation and cultural engagement.

Policy EC 7.5

Continue to support and enhance the arts/culture sector and the visitors that arts/culture events and activities attract.

Policy EC 7.6

Support and enhance sports, nature, and other outdoor events and activities that attract visitors.

Policy EC 7.7

Support and model *climate change* preparedness and sustainability practices that ensure long-term business viability while attracting and protecting visitors, businesses and residents.

Policy EC 7.8

Support and enhance our waterfront, including docks and maritime services that attract visitors and residents.

Policy EC 7.9

Provide an efficient, timely and predictable regulatory environment within the framework of a strong customer service approach.

Policy EC 7.10

Encourage the private, public, and non- profit sectors to incorporate environmental and social responsibility into their practices.

RETAIL AND SERVICES

GOAL EC-8

Maintain and enhance Winslow as the commercial hub of Bainbridge Island. Position the Neighborhood **Service Centers to provide the opportunities for smaller-scale commercial and service activity.**

Policy EC 8.1

Reinforce Winslow as the mixed-use center for commerce and exchange by fully implementing the Winslow Master Plan.

Policy EC 8.2

Neighborhood-**Service**-Centers *should* be developed at higher residential *densities*,

as recommended in the Land Use Element, in order to attract a variety of small-scale retail and service providers.

Policy EC 8.3

Promote and support a “Buy it on Bainbridge” program.

SERVICES SECTOR

GOAL EC-9

Grow a healthy service sector to increase employment opportunities, enhance local revenues, and meet emerging needs of the Island’s changing demographics.

Policy EC 9.1

Increase availability of housing to enable service sector employees to live on the Island.

Policy EC 9.2

Increase access to transportation options to better enable service sector employees who live off- Island to work on-Island.

Policy EC 9.3

Promote an emerging professional services sector that recognizes the Island’s linkage to the Seattle job market for managerial jobs and information-based industries.

Policy EC 9.4

Promote on-Island access to healthcare facilities and medical services, particularly those addressing the needs of the Island’s increasing older population.

BUILDING DESIGN AND CONSTRUCTION SECTOR

GOAL EC-10

Support building design and construction industries to increase employment opportunities, enhance local revenues, and help ensure a built environment that responds to and reflects the Island’s Vision and Guiding Principles.

The professions and trades involved in design, construction, furnishing, renovation, and marketing of commercial and residential real estate constitute a large and very important sector of the Island’s economy. Productivity and profits within that sector are crucial factors in the stability and wellbeing of the entire community. The built environment is no less important than our natural resources in defining Bainbridge Island as a unique and attractive place. Good development, in a community such as ours, must work within limits and be compatible with the environment.

Policy EC 10.1

Strive to m Make the City’s development permit process ~~more~~ timely, fair and predictable.

Policy EC 10.2

Partner with Island architects, landscape architects, builders and related construction

professionals to draft development standards and practices that incorporate green building practices and context-sensitive design.

TOURISM

GOAL EC-11

Tourism is a key sector of the Island’s economy and needs to be supported. Bainbridge Island provides unique opportunities for visitors to experience internationally recognized gardens, cultural centers, parks, and recreational events.

Policy EC 11.1

Improve pedestrian links between the ferry terminal, downtown Winslow, and the harbor. Visitors on foot and bicycle *should* be encouraged. Encourage and support public transit and shuttles.

Policy EC 11.2

The predominant focus of downtown Winslow *should* be to serve the commercial and social needs of Island residents. A lively, *pedestrian-oriented* town center that provides a mix of commercial and *residential uses* is, of itself, a potential tourist destination.

Policy EC 11.3

Support the Island as a visitor destination by preserving and enhancing the unique qualities of our community.

Policy EC 11.4

Encourage multiple-day stays and participation in selected Island events and destinations by off-Island visitors.

Policy EC 11.5

Encourage bed and breakfasts and other creative tourist accommodation.

ARTS

GOAL EC-12

Continue to promote the arts as a significant component of the Bainbridge Island economy.

Policy EC 12.1

Encourage and support the creative and economic contribution of the arts by implementing the *goals* and *policies* of the Cultural Element.

Policy EC 12.2

Promote within the northwest region the arts community as an economic

assets of the Island.

HOME-BASED BUSINESSES

GOAL EC-13

Foster home-based businesses as a key to a present and future vital economy.

Nearly half of all businesses licensed on Bainbridge Island are reported as home-based. Bainbridge Island allows home-based businesses in all zones, and 16.3% of the Island workforce works from home.

Policy EC 13.1

Continue performance standards to harmonize impacts of home-based businesses in residential *neighborhoods*.

Policy EC 13.2

Support home-based businesses through business licensing and other City programs.

AGRICULTURE

GOAL EC-14

Recognize that farming is a part of the Island's heritage and contributes to the island's economy.

The Environmental and Land Use Elements contains several *goals* and *policies* intended to sustain and enhance agriculture.

Policy EC 14.1

Support the market for Island-grown agriculture products by:

- Recognizing and supporting the Bainbridge Island Farmers' Market, including permanently dedicating space for the market and enhancing the market area.
- Allowing and promoting roadside stands that sell Island-grown products.
- Promoting and supporting Community Supported Agriculture (CSA).
- Encouraging the development of value-added processing facilities that can be shared by many farmers.
- Encouraging food crops to be planted on public land.

Policy EC 14.2

Support a program that helps working farms through educational, historic, farmstay and tourist visits.

BUSINESS/INDUSTRIAL

GOAL EC-15

The Business/Industrial (B/I) land use designation should provide space for job creating enterprises. Island based businesses provide the possibility of living and working in the community. It is the purpose of the B/I land use designations to provide opportunities for light industrial and other non-retail activities. The City should be prepared to respond to a changing marketplace and the business opportunities perceived by its citizens, when those opportunities require pre-existing infrastructure and well-designed accommodations in order to flourish.

Policy EC 15.1

Promote manufacturing and business/industrial employment as an important source of family wage jobs on Bainbridge Island.

Policy EC 15.2

New Business/Industrial (B/I) *land use* designations *shall* be considered based on the following:

- Proximity to existing B/I.
- The total amount of and expected need for B/I-zoned land.
- Compliance with all existing *policies* in the Land Use Element.
- Reasonable proximity to SR 305.
- Availability of public sewer and water, *or* whether permitted uses might safely use wells and septic systems or other alternative systems that are approved by the Kitsap Public Health District.
- Consideration of pollution and *aquifer recharge* concerns.
- Adjacency to *non-residential land uses*.
- Minimal impact to *residential land uses, neighborhoods* and *open space/conservancy* and agriculture areas.

Policy EC 15.3

Business/Industrial development *shall* conform to all Business/Industrial performance standards, the requirements of Site Plan and Design Review, and applicable design guidelines.

ECONOMIC ELEMENT IMPLEMENTATION

HIGH PRIORITY ACTIONS:

Action #1. Adopt and maintain an Economic Development Strategy to coordinate public and private efforts to grow and sustain a healthy economy on the Island.

Policy EC 1.3

Coordinate with local business groups to track commercial activity, identify trends and assess the economic health of the Island. Adopt an economic vitality strategy to identify creative and appropriate ways for the City to encourage and stimulate business activity.

Policy EC 1.7

Partner with the Chamber of Commerce, the Bainbridge Island Downtown Association and others to monitor the Island's business climate and make appropriate adjustments to the economic vitality strategy.

MEDIUM PRIORITY ACTIONS

Action #1. Continue efforts to promote and support agriculture as a component of the Island's economy, landscape and culture.

Policy EC 14.1

Support the market for Island-grown agriculture products by:

- Recognizing and supporting the Bainbridge Island Farmers' Market, including permanently dedicating space for the market and enhancing the market area.
- Allowing and promoting roadside stands that sell Island-grown products.
- Promoting and supporting Community Supported Agriculture (CSA).
- Encouraging the development of value-added processing facilities that can be shared by many farmers.
- Encouraging food crops to be planted on public land.

Action #2. Identify capital projects and streetscape standards to enhance non-motorized mobility within Winslow and connecting to shoreline activities.

Policy EC 11.1

Improve pedestrian links between the ferry terminal, downtown Winslow, and the harbor. Visitors on foot and bicycle *should* be encouraged. Encourage and support public transit and shuttles.

OTHER PRIORITY ACTIONS

Action #1. Assure that adequate parking is available to support businesses.

Policy EC 6.7

Monitor parking requirements in the *designated centers* and revise them as needed to encourage business development, while reasonably accommodating parking demand. This should be done in concert with efforts to increase use of non-motorized transportation and improve our local environment.



ECONOMIC PROFILE

Current Economic Background

Bainbridge Island, located 35 minutes from downtown Seattle via ferry, is a vibrant, diverse community. With views of the snow-capped Olympic Mountains to the west and Mount Rainier to the east, Bainbridge Island is the closest getaway destination by ferry from Seattle. The area has a rich history and a unique culture of strong community engagement and sustainable environmental practices.

Demographics

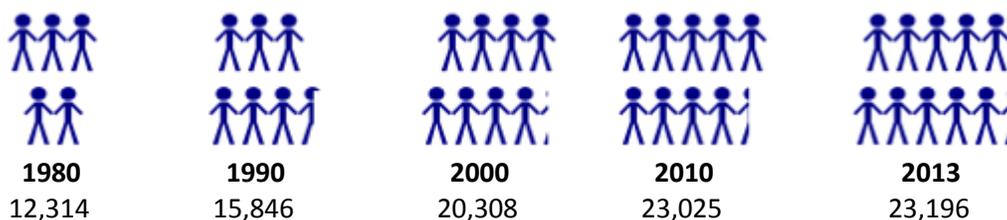
In 2015, Bainbridge Island is home to a community of over 23,000 citizens. Population has remained relatively stable over the past 15 years, after rapid growth between 1980 and 2000, see Figures 1 and 2.

Figure 1: Regional Population Growth

Bainbridge Island		Kitsap County		Washington State	
Population					
2013	23,196	2013	253,968	2013	6,971,406
Population Growth					
2000	20,308	2000	231,969	2000	5,894,121
% Change	12.5%	% Change	8.66%	% Change	15.45%

Source: 2000 U.S. Census and 2013 American Community Survey

Figure 2: Bainbridge Island Population Growth



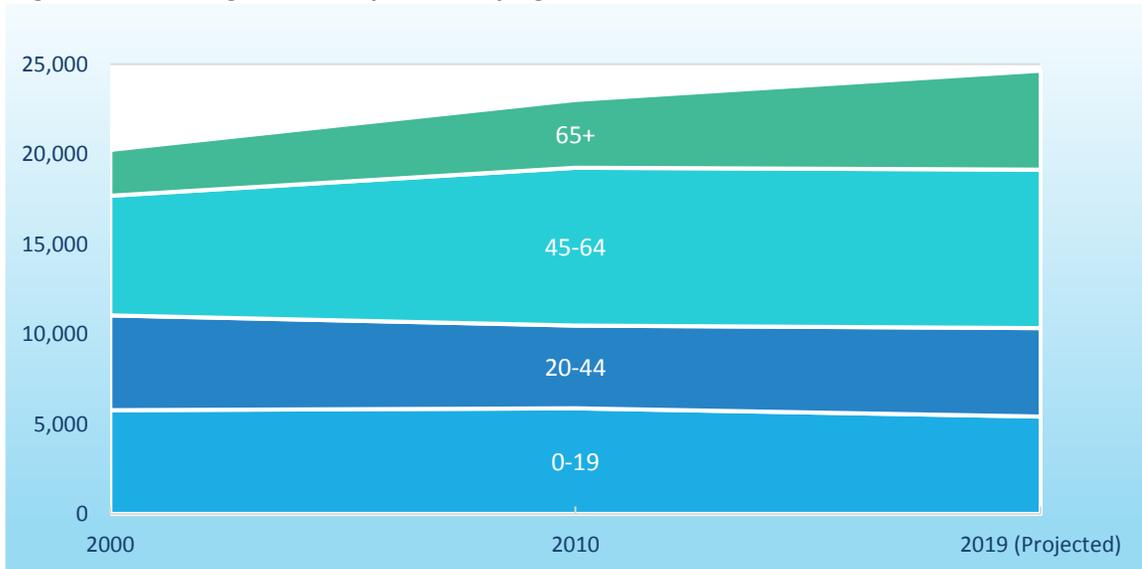
Source: 1980-2010 U.S. Census and 2013 American Community Survey

While modest population growth is anticipated to continue, the number of residents under 65 is expected to remain constant. In contrast, the number of residents aged 65 and above is growing rapidly, see Figure 3. The senior population is anticipated to increase more than 26% by 2019, which will affect the way the economy of the Island looks and operates as the needs and desires of its residents change.

An aging population typically spends less on clothing, transportation, and food but spends far more on health care. Services which give the ability for older residents to stay in their homes such as transit services, meal delivery, and in-home caregivers will be in greater demand in addition to other long-term

care options like assisted living facilities. Although their level of consumption may be more limited overall, seniors tend to have an increased demand for higher-end products. Ultimately, the changing demographics may necessitate a shift in resources away from education and childcare.

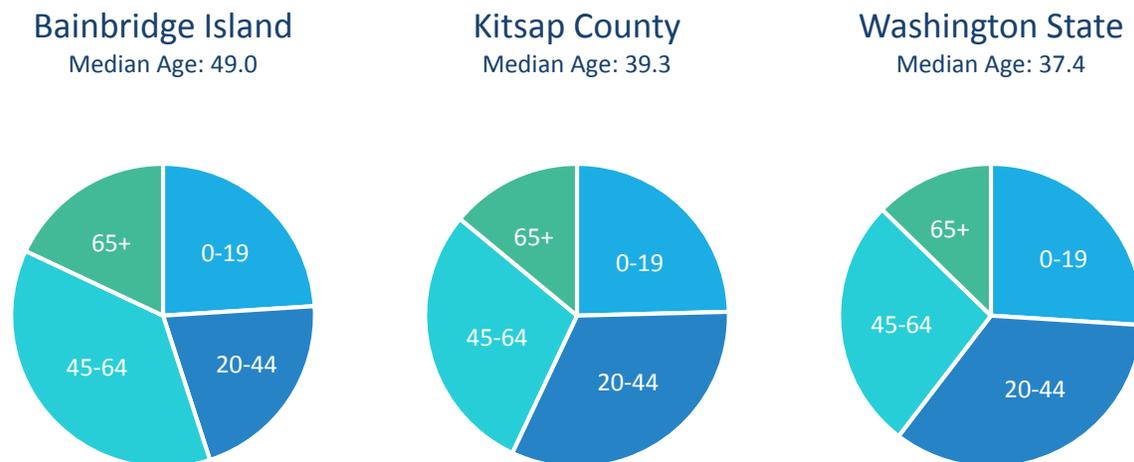
Figure 3: Bainbridge Island Population by Age



Source: 2000-2010 U.S. Census and Experian Census Area Projections & Estimates

With the majority of the population above 45 years of age, the composition of the Bainbridge Island population is markedly different than that of both Kitsap County and Washington State. Further, the median age for Bainbridge Island is nearly 10 years older than that of Kitsap County and nearly 12 years older than that of Washington State, see Figure 4. Experian predicts that the median age on Bainbridge Island is projected to be greater than 50 years of age by 2019.

Figure 4: Population by Age

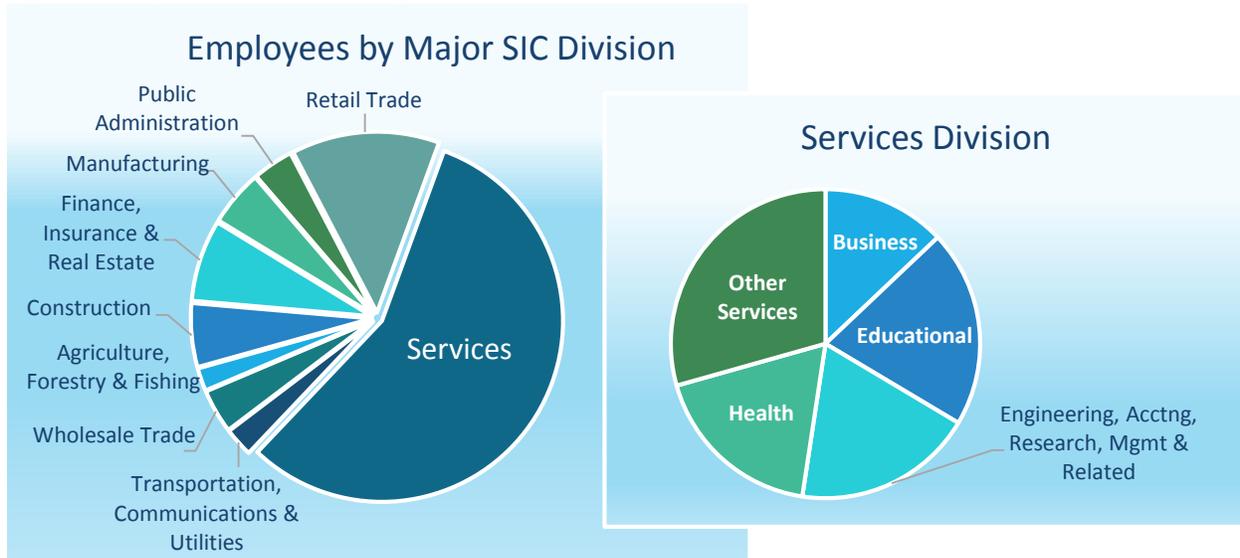


Source: Experian Census Area Projections & Estimates

Bainbridge Island Workforce

Residents enjoy a wide range of amenities. Cultural sites include the Bainbridge Island Museum of Art, Bainbridge Island Historical Museum, Bloedel Reserve, Islandwood, Japanese American Exclusion Memorial, and Bainbridge Performing Arts. The Island also boasts numerous galleries, shops, museums, bakeries, and restaurants. The majority of people employed on Bainbridge Island work within the services industry based on their standard industrial classification (SIC) per the Occupational Safety & Health Administration, see Figure 5. The primary services represented include health, education, business, engineering, and accounting.

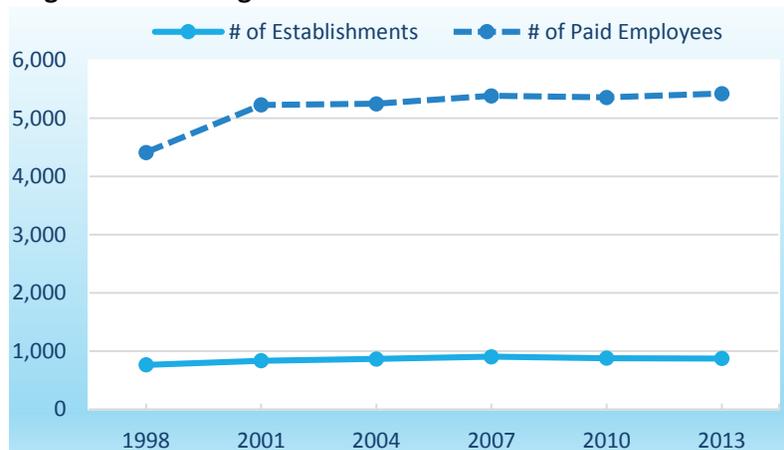
Figure 5: Employees on Bainbridge Island



Source: DemographicsNow

Both the number of people working on the Island and the number of business establishments has remained relatively stable since 2001, see Figure 6. Although the population has grown, the number of available jobs on the island has not increased proportionally.

Figure 6: Bainbridge Island Business Patterns



Source: U.S. Census Bureau, 2013 Zip Code Business Patterns

At 4.2%, unemployment on Bainbridge Island is lower than Kitsap County (6.3%) and Washington State (6.9%) and is projected by Experian to drop to 3.6% by 2019.

There are nearly 10,000 Island residents in the labor force, and with fewer than 6,000 jobs on the Island, it is clear that a number of Island residents must work elsewhere in Kitsap County or the nearby Seattle metropolitan area.

Islanders commute by car far less frequently than Kitsap County or the State as a whole, instead relying more heavily on public transit, see Figure 7. This translates to longer commute times, as the Bainbridge Island commute is longer by 13-18 minutes on average. Also significant in viewing commute patterns is the high number of residents who work at home, almost three times the percentage within Kitsap County or Washington.

Figure 7: Regional Commute Types

Commute Type	Bainbridge Island	Kitsap County	Washington State
Vehicle (Self or Carpool)	49.1%	78.6%	83.2%
Public Transit	25.3%	8.3%	5.8%
Worked at Home	16.3%	6.6%	5.4%
Walked	5.6%	4.4%	3.5%
Other Means	3.7%	2.1%	2.1%
Mean Commute Time (mins)	43.2	29.7	25.7

Source: 2013 American Community Survey

Figure 8: City Business License Information (10/8/15)

	# of Licenses	% of Total Licenses
On-Island Location	2198	68%
Home-based Businesses (included in On-Island Count)	1345	42%
Off-Island Location	1020	32%
Total Business Licenses	3218	100%

Figure 9. Bainbridge Island Home-Based Businesses by Type

Business Type	Number	%
Construction & Related Services	143	10.6%
Artists & Entertainment	141	10.5%
Management & Professional Services	111	8.3%
Marketing, Advertising & Graphic Design	109	8.1%
Accommodations, Real Estate & Related	90	6.7%
Health & Wellness	79	5.9%
Landscaping	60	4.5%
Engineering, Environmental, Scientific & Technical Services	57	4.2%
Computer & Technology	56	4.2%
Educational Services	50	3.7%
Finance, Investment & Accounting	44	3.3%
Fitness, Recreation & Related	43	3.2%
Legal Services	43	3.2%
Home Furnishings & Interior Design	41	3.1%
Nonprofit, Civic & Advocacy Organizations	38	2.8%
Miscellaneous	37	2.8%
Agriculture	30	2.2%
Food Services & Manufacturing	28	2.1%
Architects	24	1.8%
Machinery & Equipment	20	1.5%
Maintenance & Cleaning	19	1.4%
Travel & Transportation	17	1.3%
Pet Services	16	1.2%
Industrial Design & Manufacturing	14	1.0%
Personal Services	11	0.8%

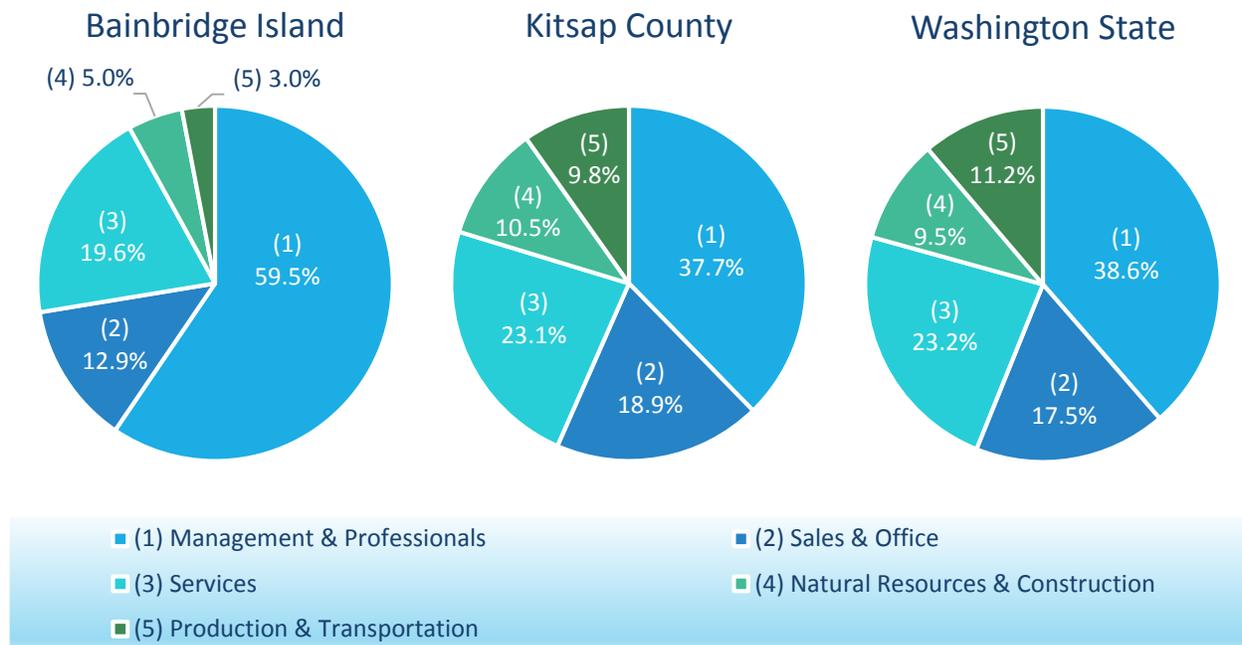
Business Type	Number	%
Childcare	8	0.6%
Clothing	7	0.5%
Water Utilities	5	0.4%
Florists	3	0.2%
Total	1,344	100.0%

Source: City of Bainbridge Island Business Licenses (10/8/15)

Based on the large number of Island residents working off-Island, the type of occupations in which they are employed gives a better indication of their financial means as opposed to analyzing the composition of Island jobs.

Bainbridge Island residents overwhelmingly hold professional or management positions: almost 60% of the workforce holds such positions, sharply contrasting with the less than 40% of Kitsap County or Washington residents that do, see Figure 8. These positions also tend to command a much higher salary than other types of positions.

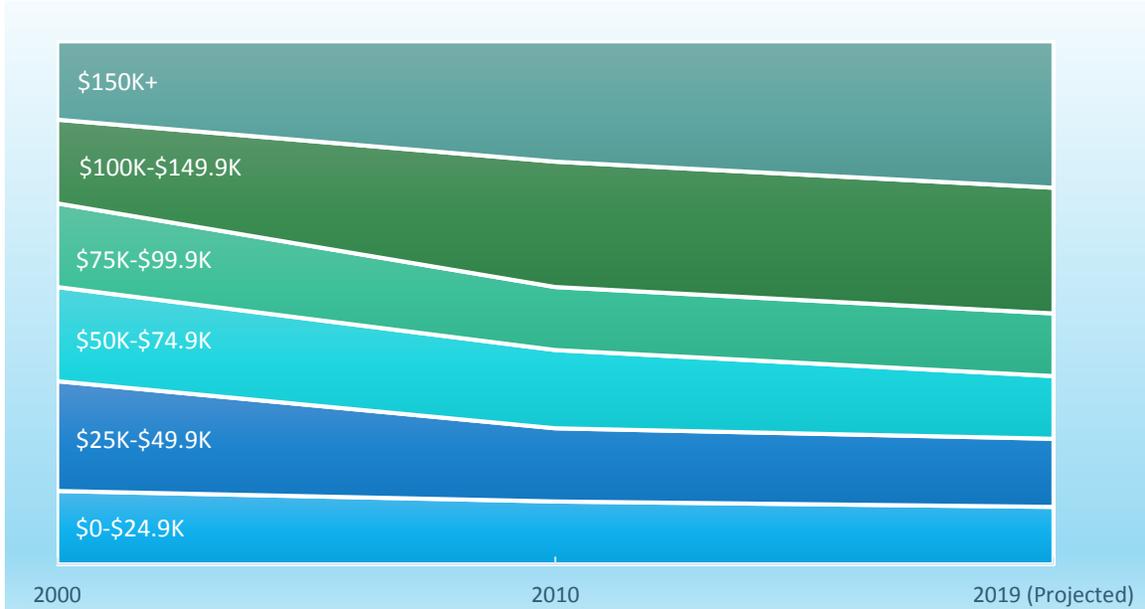
Figure 10: Workforce by Occupation



Source: 2013 American Community Survey

Since 2000, the proportion of Bainbridge Island households with incomes greater than \$100,000 has steadily increased with Island businesses benefitting from off-Island income. Bainbridge Island has significantly higher median household incomes, when compared to Kitsap County or Washington State, see Figures 9 and 10.

Figure 11: Proportion of Bainbridge Island Households by Income Bracket



Source: 2000-2010 U.S. Census and Experian Census Area Projections & Estimates

Figure 12: Median Household Income

	2000	2010	2014	2019 (Projected)
Bainbridge Island	\$70,797	\$92,762	\$89,223	\$103,499
Kitsap County	\$46,923	\$62,712	\$59,362	\$68,859
Washington State	\$45,811	\$57,181	\$58,274	\$67,667

Source: 2000-2010 U.S. Census and Experian Census Area Projections & Estimates

Living and Working in the Same Community

As shown previously in Figure 5, the majority of people employed on Bainbridge Island work in the services industry or retail trade. The corresponding wages paid to employees on the Island in these sectors show a much lower average wage than represented by the median household income, see Figures 10 (above) and 11.

Figure 13: Average Wages on Bainbridge Island by Industry

Industry Name	Average Annual Wage*
Health Care & Social Assistance	\$30,306
Other Services (excl. Public Administration)	\$29,576
Retail Trade	\$27,748
Arts, Entertainment & Recreation	\$21,257
Accommodation & Food Services	\$16,754

**Average Annual Wage is calculated based on the total wages paid by reporting employers during calendar year 2014 and the average of the same 12 months employment for the same employers.*

Source: Washington State Employment Security Department

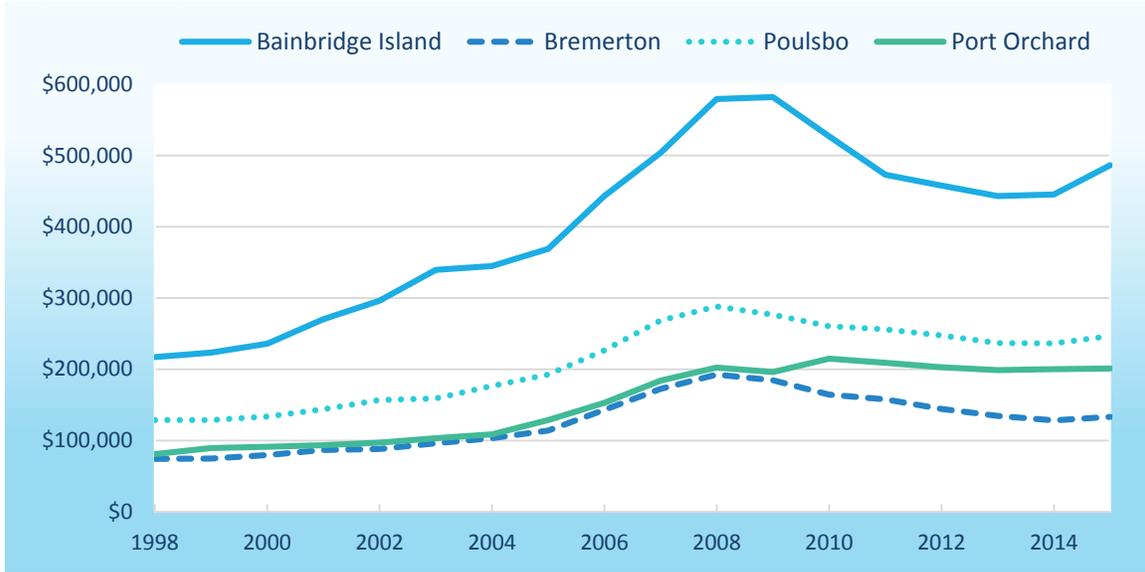
This disparity in income and wages could be the result of a number of different factors such as the prevalence of part-time work in these sectors or that a sizable portion of these employees reside off-Island. Regardless of the reason, it is clear that the wage and salary analysis above coupled with a highly competitive housing market indicates that many jobs within the Island economy cannot provide workers sufficient incomes to make living within the community possible, even for dual income households.

Bainbridge Island Residential Investment

Bainbridge Island is primarily a residential community. Just over 9,600 of the total 17,779 acres of the Island are developed for residential land uses. A majority of the remaining land has been kept undeveloped to maintain the unique rural character so highly regarded by Island residents.

Approximately 87% of all Bainbridge Island property value is in the form of residential property which has a 2015 assessed valuation of over \$5.3 billion per the Kitsap County Assessor. Home values on Bainbridge Island tend to be much higher than those in neighboring communities, see Figure 11. This represents an investment of some portion of the income imported into the community from well-paying jobs in Seattle and elsewhere in addition to employment on the Island.

Figure 14: Regional Median Assessed Home Values



Source: Kitsap County Assessor, Statement of Assessments 2001-2015

Residential investment also drives a portion of the local economy by supporting a demand for businesses such as home repair and remodeling, landscaping services, food service, auto repair, interior design, insurance, house cleaning, day care, and municipal services.



WATER RESOURCES ELEMENT

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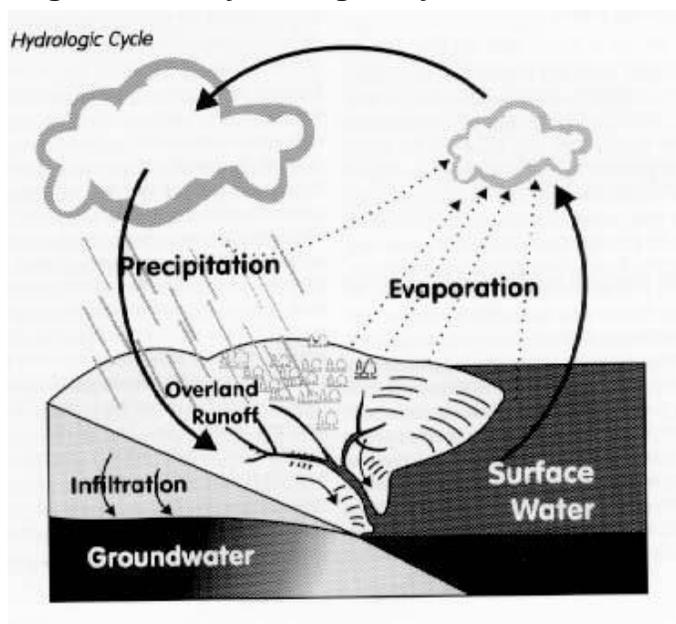
WATER RESOURCES Introduction

Bainbridge Island is a quasi-enclosed environment that requires a holistic perspective to understand the interdependence among the Island's three primary water resources: *groundwater*, surface water, and *stormwater*. Although these waters are typically regulated and managed independently, they are, in nature, intimately connected. In fact, it is all the same water, simply given a different name and managed according to where it resides in the hydrologic cycle at any given time (see Fig.1).

When rain falls, rainwater that is not evaporated or taken up by plants will take one of three paths. It may infiltrate into the ground where it is called *groundwater*. It may drain directly into *streams* and harbors where it is called surface water, or it may be captured by manmade *infrastructure* such as street drains, ditches, or detention/retention ponds where it is called *stormwater*.

Rainwater that infiltrates into the ground (*groundwater*) may be pumped from wells to provide drinking water or irrigation or seep out of the ground into *streams*, springs, and harbors where it is, again, called surface water. Likewise, *stormwater* may discharge into a nearby stream or harbor and become surface water or infiltrate into the ground and become *groundwater*.

Fig. 1. The Hydrologic Cycle



In order to successfully protect and manage any one of these waters, one must protect and manage all three. To address these interrelationships, a separate Water Resources Element has been developed as follows:

- General water resources management policies
- *Groundwater* protection and management policies
- Surface water protection and management policies
- *Stormwater* protection and management policies
- Residential on-site sewage system policies
- Contaminated sites policies
- Public education and outreach policies

Land Use Connection

In the development of policies related to the management of our Island water resources, it is important to understand the links between water resources quality and quantity and *land use*. Most water quality and habitat integrity impacts are caused by the way land was or is used. Developed land allows for rapid *runoff* and inundation of natural conveyance systems such as *wetlands* and *streams*. Rapid *runoff* can cause damage through flooding, erosion, and water-borne contamination.

In addition, *households* create sewage which needs disposal either by a wastewater treatment plant or by residential on-site sewage systems. Wastewater treatment plants are reasonably effective at cleaning wastewater, but do not at present provide complete removal of nitrogen nor treat for contaminants of emerging concern which include, but are not limited to, byproducts of medications, recreational drugs, health and beauty products, and caffeine.

Residential on-site sewage systems can fail and cause contaminants to enter the surface water and/or *groundwater*. Even functioning systems, depending upon *density* and proximity to surface water and *groundwater*, can contribute to accumulations of nitrogen and contaminants of emerging concern in these waters.

Use of fertilizers, pesticides, and other chemicals for cropland, lawns and gardens, and vehicle and *household* cleaning and maintenance as well as improper pet and livestock waste management can add significant contamination to surface water, *stormwater* and *groundwater*.

Commercial and industrial uses, past and present, leave behind pollutants in our soils. In particular, historic *land uses* such as large row crop agriculture, lumber, petroleum, and others have left behind legacy pollutants in sediments both on upland properties and in the sediments along the bottoms of our *streams*, harbors, and nearshore areas.

Without proper coordination of the regulations that will implement policy statements, conflicting signals may be given when dealing with water resources issues. For example, a surface water problem may be resolved by efficiently collecting and

removing all water from the area, whereas a *groundwater recharge* issue may require that the water be kept on-site to allow for infiltration.

Another conflict arises when infiltration of *stormwater* competes for space with on-site sewage system drainfields. There are physical limitations to the rates of infiltration and absorption based on soil types, which may make it impossible to have both of those facilities on the same site. Where development occurs in important *aquifer recharge areas*, special consideration is needed to preserve the volume of *recharge* available to the *aquifer* and to protect the *groundwater* from contamination.

A key component of water resources protection and adaptive management is adequate monitoring in order to assess impacts of current land use and the effectiveness of applied management actions.

The overriding theme that runs through all of the policies and *goals* in this element is the preservation and protection of water quality, water quantity, and ecological and hydrologic function.

Climate change

Climate change projections indicate that over the coming decades, sea level may rise up to four feet in the Puget Sound region, the ocean will become more acidic, and climatic conditions are likely to become warmer. This will result in more intense rain events during the wet season with longer, drier summers, though overall annual volume of rainfall will remain approximately the same.

Ocean acidification will likely impact aquatic species survival and assemblages in our marine areas and sea level rise will likely impact habitat and built *infrastructure* in our nearshore areas including homes, businesses, and public facilities such as roads and sewer facilities.

Wetter conditions during the wintertime will increase water availability, but may cause flooding or diminish water quality. More intense and frequent storms or heavier rainfall events can cause *stormwater* inundation and localized flooding, chronic flooding, non-infiltrated run-off, erosion and landslides. Increased intensity of rainfall may also diminish *aquifer recharge* rates as saturated soils are less able to absorb large amounts of water falling over short periods of time.

Warmer, drier conditions in the summertime will increase evaporation rates and water demand by plants, wildlife and people, and may diminish water quality. Dry conditions decrease water availability, resulting in reduced stream flow and diminished *aquifer recharge*. Warmer and drier conditions can also reduce water quality, both by increasing in-stream temperatures and by concentrating contaminants in smaller volumes of water.

VISION

In the year 2036, Bainbridge Island's water resources (precipitation, on the surface, and in the ground) are climate resilient and demand and quantity are adequate for all forms of life on the Island. *Aquifers* are continuously monitored and maintained above the early warning level. The water quality for most of the consumed water is monitored to ensure quality fully meets the standards for drinking water.

Education on water conservation has resulted in a significant reduction in the average water consumption per *household*. The Bainbridge Island *groundwater* model is regularly updated with new data and results from model runs are used to maintain long-term *sustainability* of the Island's water resources. *Low impact development* techniques are applied to all *land uses* and redevelopment.

GOALS AND POLICIES

GENERAL WATER RESOURCES

Protection of water resources is of primary importance to the Island. Therefore, the goal is to m

GOAL WR-1

Manage the water resources of the Island in ways that restore, enhance, and preserve their ecological and hydrologic function.

- Degradation of water resources is not allowed.
- The long-term *sustainability* of the Island's water resources is maintained, taking into account future climatic conditions and their effects on the water cycle.
- New development and population growth are managed so that water resources remain adequate for the indefinite future.
- *Groundwater*, surface water, and *stormwater* monitoring, data assessment, and reporting are current and available including future projections of availability, quality and need.
- Use current and future technology to maintain and protect water resources.

Policy WR 1.1

The City shall study future climate and demand scenarios to accurately understand future water resource conditions.

Policy WR 1.2

Groundwater, surface water, and *stormwater* are resources that *shall* be protected and managed to preserve water quality and quantity, and to retain natural ecological and hydrologic function to the maximum extent practicable.

Policy WR 1.3

To foster sustainable water resources, planning, protection, management, monitoring and on-going education and outreach *should* be provided by the City in coordination with government agencies at all levels, drinking water purveyors, *watershed* management groups, Tribes, non-profit organizations, local integrating organizations for regional recovery and protection, and other stakeholders.

Policy WR 1.4

Apply The policies in this element **work** in tandem with the protective measures set by the City's Shoreline Management Master Program, *Critical areas* Ordinance, and any other environmental or water resources management ordinance established by the City.

Policy WR 1.5

Identify the areas of the Island that are the most vulnerable to pollution from concentrations of fecal coliforms and nitrates (for example, from septic fields, agricultural activities, or fertilizers), and monitor those areas to determine if and when preventative or restorative measures are warranted.

GROUNDWATER PROTECTION AND MANAGEMENT

GOAL WR-2

Protect the quality and quantity of groundwater on the Island

Policy WR 2.1

Recognize that the entire Island functions as an *aquifer recharge area*. *Low impact development* techniques are essential for maintaining *aquifer recharge*.

Low impact uses and less intense development are appropriate for areas with high *aquifer recharge*. Low impact uses include development for buildings, roads or parking that has a reduced area of impact on the land. Low impact uses do not depend on regular applications of fertilizers or pesticides. *Low impact development* is an environmentally-friendly approach to site development and *stormwater* management, emphasizing the integration of site design and planning techniques that conserve and protect the natural systems and hydrologic functions of a site.

Policy WR 2.2

Areas of high *aquifer recharge* *should* be identified and assessed as part of a *land use* application. Care *should* be taken to minimize the effect of development on these areas.

Policy WR 2.3

To promote efficient use of *groundwater* resources, ~~the City shall~~ encourage the expansion of public and private water systems, rather than encouraging *shallow* or individual residential wells.

Policy WR 2.4

~~The City shall a~~ Assess the impacts of proposed activities and development on the flow of springs and *streams* and levels of *wetlands* that are either sustained by *groundwater* discharge or contribute *recharge* to *groundwater*, and require an assessment of anticipated hydrologic impacts. Activities or development may be restricted if the report indicates any adverse impacts.

Policy WR 2.5

~~The City, i~~ In cooperation with the appropriate regulatory agencies (e.g., Washington State Department of Health and the Kitsap Public Health District) ~~will~~ institute new wellhead protection procedures.

Policy WR 2.6

~~The City shall e~~ Encourage the use of integrated pest management techniques and the reduction of pesticide and herbicide use within the City boundaries.

Policy WR 2.7

Establish a stakeholder group to develop an Island-wide *groundwater* management plan.

Policy WR 2.8

Develop a program to strongly encourage exempt well owners to regularly monitor the quality of their well water and identify leaks using tools such as flow meters. Results *should* be self-reported to the Kitsap Public Health District.

Policy WR 2.9

Recognizing that the Island *aquifer* system is a Sole Source *Aquifer* as designated by EPA, institute an added level of development and re-development permit review to prevent or mitigate potential pollutant-generating activities associated with proposed *land use*.

Policy WR 2.10

Develop seawater intrusion prevention regulations.

Policy WR 2.11

~~The City shall d~~ Develop a water conservation program.

Policy WR 2.12

~~Encourage W~~ water re-use and reclamation ~~will be encouraged~~ to serve as a supplementary source for high-water users such as industry, parks, schools, and golf courses, as approved by the Washington State Department of Health.

Policy WR 2.13

Develop a program that encourages homeowners to explore innovative methods for recapturing and reusing surface water *runoff* and grey water, as approved by the Washington State Department of Health and the Kitsap Public Health District.

Policy WR 2.14

Maintain a comprehensive program of *groundwater* data gathering and analysis. The program *shall* include modeling, hydrogeologic and geologic studies, and monitoring of static water levels, water use, water quality, surface water flows, and acquisition of other data as necessary.

GOAL WR-3 Surface Water Protection and Management

Achieve no net loss of ecological functions and processes necessary to sustain *aquatic resources*¹ including loss that may result from cumulative impacts over time.

Over recent decades, awareness has grown of the importance of preserving and protecting *aquatic resources*. *Aquatic resources* have a number of important ecological functions, processes and values. These functions vary, but include providing water quality protection, flood plain control, shoreline stabilization, contributions to *groundwater* and stream flows and wildlife and fisheries habitat. *Aquatic resources* also have values as natural areas providing aesthetic, recreational and educational opportunities that *should* be preserved for future generations.

Policy WR 3.1

Development *should* not be approved in regulated aquatic *critical areas* or their associated water quality buffer unless the subject property is encumbered to such an extent that application of *development regulations* would deny all reasonable use of property.

Policy WR 3.2

Require that vegetated buffers be maintained between proposed development and the aquatic resource in order to protect the functions and values of such systems. Degraded buffers *should* be restored to enhance their function. Allow reductions in vegetated buffers only in areas where such reductions, if consistently applied, would not result in significant cumulative impacts to *aquatic resources* and *fish and wildlife habitat*.

Policy WR 3.3

Require that buffers be retained in their natural condition wherever possible, while allowing for appropriate maintenance. Where buffer disturbance has occurred, require re-vegetation with appropriate species, with a preference for native species, to restore the buffers' protective values.

¹ *Aquatic resources* – Marine nearshore, *wetlands*, *streams*, lakes, creeks and associated vegetated areas.

Vegetated buffers facilitate infiltration and maintenance of stable water temperatures, provide the biological functions of flood storage, water quality protection and *groundwater recharge*, reduce amount and velocity of run-off, and provide for wildlife habitat.

Policy WR 3.4

Ensure that development activities are conducted so that *aquatic resources* and natural drainage systems are maintained and water quality is protected.

Policy WR 3.5

Prior to any clearing, grading, or construction on a site, all *wetlands, streams*, and buffer areas *should* be specifically identified and accurately located in the field in order to protect these areas during development.

Policy WR 3.6

Herbicides and pesticides *shall* not be used in aquatic resource areas, and buffers, and *should* be discouraged in the areas that drain into them.

Policy WR 3.7

Prohibit access to aquatic *critical areas* by *farm* animals. Agricultural activities within proximity of *aquatic resources* *should* complete a *farm* management plan addressing water quality and other natural resource protection.

Policy WR 3.8

Require Mitigation **shall be required** to compensate for unavoidable impacts to aquatic *critical areas*. Mitigation *should* be designed to achieve no net loss in functions and processes of *aquatic resources*.

Policy WR 3.9

Promote *watershed*-based mitigation to meet federal regulations, improve mitigation success and better address the ecological demands of the island's *watersheds*.

Policy WR 3.10

Work with state and local health departments to evaluate the merits of new technologies such as greywater capture, package treatment plants and composting toilets, as alternatives to septic and sewer systems; and determine which of those systems *should* be allowed and/or encouraged to better protect the quality and capacity of the Island's surface water and nearshore environment.

Policy WR 3.11

Consider the impacts of *climate change*, and ocean acidification, when developing regulations or approving capital projects related to *aquatic resources*, including marine nearshore, *wetlands, streams*, lakes, creeks, associated vegetated areas and *frequently flooded areas*.

Policy WR 3.12

Allow stream relocation only where relocation would result in improved stream habitat or when a property owner would otherwise be denied all reasonable use of the property.

Policy WR 3.13

Degraded channels and banks *should* be rehabilitated by various methods (e.g., culvert replacement, volunteer efforts, public programs or as offsetting mitigation for new development) to restore the natural function of the riparian habitat for fish and wildlife.

Policy WR 3.14

Resident and migratory fish *streams* and adjacent land *should* be preserved and enhanced to ensure a sustainable fishery.

Policy WR 3.15

Require the construction of public facilities to avoid encroachment into and disturbances of *aquatic resources*.

Policy WR 3.16

Maintain a comprehensive program of surface water inventory, data gathering and analysis. The program *shall* include monitoring and assessment of physical, chemical, and biological health of surface water ecosystems to include *streams*, ephemeral *streams*, lakes, *wetlands*, and marine waters. This may include water, flow, sediment, habitat, submerged aquatic vegetation, fish and shellfish tissue, aquatic species diversity and other ecosystem health indicators.

Stormwater Protection and Management

GOAL WR-4

~~Stormwater is a resource that, rather than be captured and carry-ied stormwater away as a wastestream, it should be protected~~ from pollutants and retain ~~it~~ ed on site to replenish *aquifers* and maintain *wetland* and summer stream flows, preserving or mimicking the natural water cycle to the maximum extent practicable.

Policy WR 4.1

Comply with all requirements of the City's National Pollutant Discharge Elimination System Phase II Municipal *Stormwater* Permit (NPDES Permit).

Policy WR 4.2

Continue to provide ongoing opportunities for the public to participate in the decision-making process involving the development, implementation and update of the City's *Stormwater* Management Program (SWMP) through advisory councils, public hearings, and *watershed* committees.

Policy WR 4.3

Continue to improve and maintain an education and outreach program designed to reduce or eliminate behaviors and practices that cause or contribute to adverse *stormwater* impacts and encourage the public to participate in stewardship activities.

Policy WR 4.4

Continue to identify and eliminate sources of pollutants to the City's *stormwater* drainage system through proactive field screening techniques such as effluent monitoring, system inspections and cleaning, and commercial and industrial business inspection, and through the enforcement of the City's Illicit Discharge Detection and Elimination ordinance.

Policy WR 4.5

Ensure development of, and adherence to, required public and private *stormwater* pollution prevention plans (SWPPPs) for public facilities, construction sites, and commercial and industrial *land use*. Encourage the use of such plans where not specifically required.

Policy WR 4.6

Ensure development of, and adherence to, erosion and sediment control plans on all construction and development sites of any size.

Policy WR 4.7

Develop and actively enforce a strong *Low impact development (LID)* ordinance to require any and all methods and practices for new development and redevelopment to the maximum extent practicable and reasonable. *LID* is a *stormwater* and *land use* management strategy that strives to mimic pre-disturbance hydrologic processes of infiltration, filtration, storage, evaporation, and transpiration by emphasizing conservation, use of on-site natural features, site planning, and distributed *stormwater* management practices that are integrated into a project design.

Policy WR 4.8

Prioritize *LID*-based retrofit of public and private *stormwater* drainage systems and built assets through the inventory, management and fiscal planning process.

Policy WR 4.9

Incentivize *LID* retrofit of current built environment.

Policy WR 4.10

Use *watershed* and basin plans as a means to reduce *stormwater* impacts and *non-point source pollution*.

Policy WR 4.11

Comply with all requirements specifically identified by the City's permit for any Total Maximum Daily Load (TMDL) in which the City is a stakeholder.

Policy WR 4.12

Conduct effectiveness monitoring and assessments to continue to adaptively manage *stormwater* to ensure optimal protection.

RESIDENTIAL ON-SITE SEWAGE SYSTEMS**GOAL WR-5**

Ensure that sewage is collected, treated, and disposed of properly to prevent public health hazards and pollution of *groundwater*, Island surface water, and the waters of Puget Sound.

Policy WR 5.1

Regulations and procedures of the Washington State Department of Health and the Kitsap Public Health District apply to all on-site disposal systems. The City *shall* work with these agencies to assure regular inspection, maintenance and repair of all *sanitary sewer* and on-site systems located on the Island.

Policy WR 5.2

~~The City shall request~~ notification of all waivers or variances of Kitsap Public Health District requirements, such as modification of setbacks, vertical separation, minimum lot size, reserve drainfield, etc., prior to issuance and subsequent modifications by the Kitsap Public Health District of an approved Building Site Application.

Policy WR 5.3

~~Allow~~ alternative systems, such as sand filters, aerobic treatment, composting toilets, and living-systems ~~shall be allowed~~ when approved by the Kitsap Public Health District.

Policy WR 5.4

Regulations *shall* require coordination between the on-site septic and *storm drainage* disposal systems designs to ensure the proper functioning of both systems.

Policy WR 5.5

~~The City shall assist~~ the Kitsap Public Health District in developing a program to require proper maintenance of all on-site waste disposal systems in order to reduce public health hazards and pollution. This program *shall* include periodic system inspection and pumping when necessary.

Policy WR 5.6

~~The City and~~ ~~Work with~~ the Kitsap Public Health District ~~should work together~~ on a collaborative program to fund and pursue grants or low-cost loans for low and moderate-income *households* to repair failed septic systems. Incentivize maintenance, repair and replacement of systems for any income level.

Policy WR 5.7

On-site waste disposal systems serving more than one *household should* be allowed only with assurance of proper design, operation, management and approval from the Kitsap Public Health District.

Policy WR 5.8

The City may provide the service of operation and maintenance management for approved large on-site *sanitary sewer* systems (LOSS) or community *sanitary sewer* systems in coordination with the Kitsap Public Health District.

Policy WR 5.9

The City *should* support the Kitsap Public Health District in maintaining and improving a public education program to foster proper construction, operation, and maintenance of on-site septic systems.

Policy WR 5.10

~~The City should s~~Support the Kitsap Public Health District in developing and maintaining an ongoing inventory of existing on-site disposal systems to provide needed information for future studies.

CONTAMINATED SITES

GOAL WR-6

Incorporate awareness of known contaminated sites such as former lumber treatment facilities, former fueling stations, and other pollutant-generating *land use* into all water resources management, *land use* planning, and *capital facility* management in order to remediate or clean-up sites as effectively as possible, while preventing further impacts to water resources.

Policy WR 6.1

~~The City will a~~Assemble and maintain an inventory of contaminated sites on the Island to track site location, contaminant(s) of concern, cleanup status, and potential to impact nearby surface or *groundwater*.

Policy WR 6.2

~~The City will e~~Collaborate with EPA, Washington State Department of Ecology, and the Kitsap Public Health District to address contaminated site assessment and cleanup efforts within the purview of those agencies to achieve remediation/cleanup as quickly as reasonably possible.

Policy WR 6.3

~~The City will e~~Consult the contaminated site inventory prior to property acquisition and weigh the cost/benefit of acquiring such a property.

Policy WR 6.4

~~The City will m~~Make every reasonable attempt to clean-up/remediate city-owned sites that are known to be or discovered to be contaminated.

Policy WR 6.5

~~The City will e~~Consult the contaminated site inventory as part of development or redevelopment site plan review and take potential impacts into consideration when making *land use* decisions.

Policy WR 6.6

~~The City will e~~Consult the contaminated site inventory as part of capital *infrastructure* construction or maintenance.

Policy WR 6.7

~~The City will e~~Consult the contaminated site inventory as part of emergency management preparedness and response.

PUBLIC EDUCATION AND OUTREACH

GOAL WR-7

The City, in concert with federal, state, and local governments; public water purveyors; watershed councils; non-profits; citizens; and other appropriate entities, will continue to improve and implement a comprehensive public education and outreach program to promote protection and management of all water resources.

Policy WR 7.1

Educate and inform the public about the purpose and importance of aquatic environments, their vulnerabilities, and observed status and trends in ecological health and function.

Policy WR 7.2

Educate and inform the public about expected *climate change* impacts and how these will affect the Island's water resources and their beneficial uses.

Policy WR 7.3

Educate the public about the characteristics of the *aquifer* system, the Island's dependency upon it, and its vulnerability to contamination (including seawater intrusion) and depletion.

Policy WR 7.4

Educate the public about EPA's Sole Source Aquifer Designation Program and what this designation means for the Island's *aquifer* system.

Policy WR 7.5

Educate the public about well head protection and the critical importance of restricted chemical use or storage within the protection area around wells.

Policy WR 7.6

Educate the public about critical *aquifer recharge areas* (or other special conservation areas) and the purpose they serve to the *aquifer* system.

Policy WR 7.7

Inform the public about how to report spills or illicit dumping of hazardous waste or other pollutants and how to access information about location and status of contaminated sites.

Policy WR 7.8

Inform the public about how to find information about their well and how to properly maintain it.

Policy WR 7.9

Educate, and provide technical assistance to the public on methods to identify wasted water indoors and outdoors and practices to conserve water such as native landscaping, xeriscaping, and water use reduction or reuse.

Policy WR 7.10

Provide “how to” or “dos and don’ts” resources for *streamside* and shoreline landowners.

Policy WR 7.11

Provide information and guidance on water resources protection best management practices for commercial, industrial, residential, agricultural, and other *land uses* to prevent or reduce pollution. These practices include, but are not limited to, septic system maintenance; pet and livestock waste management; landscaping and gardening; *farm* plans; appropriate methods for use, storage and disposal of hazardous materials and other chemicals; on-site drainage system maintenance, and automotive care.

Policy WR 7.12

Provide and promote opportunities for citizen stewardship and involvement.

Policy WR 7.13

Provide *LID* technical guidance and workshops to businesses and contractors working on the Island.

EXISTING CONDITIONS & FUTURE NEEDS

The following outlines the present conditions and understanding of the water resources of the Island and the future needs for restoration, enhancement, and protection of these resources.

Groundwater

Groundwater is the sole source of drinking water for Island residents, *farms* and industry on Bainbridge Island. It is found in underground reservoirs called *aquifers*. An *aquifer* is defined as a *permeable* sand and/or gravel formation that is capable of yielding a significant amount of water to a well. Wells on Bainbridge Island penetrate several distinct *aquifers* to allow withdrawal of drinking water by individual homeowners and municipal water purveyors. Most individual *household* wells penetrate to depths of less than 300 feet.

Some residents are still using hand-dug wells less than 40 feet deep, completed in the *permeable* sediments known as the Vashon Recessional Outwash. *Groundwater* found at this level also feeds the base flow (summer flow) for Island *streams*. High capacity wells have been drilled as deep as 1,200 feet to find adequate marketable quantities of water for public and private water purveyors. While few in number, these wells produce a large portion of the Island's potable water. The Blakely Formation, a sedimentary bedrock formation, dominates the geology on the southern end of the Island and limits *groundwater* production in this area.

Our understanding of the Island's water resources has been enhanced through historical studies such as the *City of Bainbridge Island, Level II Assessment*⁴ prepared by Kato & Warren and Robinson Noble in 2000 and monitoring and assessments completed in the last ten years by the City's *Groundwater Management Program*. This work includes the development, improvement, and utilization of a *groundwater* model; the development of a well monitoring network; and the implementation of long-term monitoring.

Bainbridge Island has six principal *aquifers* (Kato & Warren and Robinson & Noble, 2000), the extents of which were refined in the *Conceptual Model and Numerical Simulation of the Groundwater-Flow System of Bainbridge Island, Washington* (USGS, 2011). The six *aquifers* delineated below reflect updated understanding based on the United States Geological Survey (USGS) model. Additional details about the *aquifers*, including detailed maps and discussion regarding the extent, thickness, and other characteristics, can be found in the USGS report.

Perched Aquifer (PA)—This *aquifer* is comprised predominantly of Vashon Advance

glacial outwash (Qva). The top of the *aquifer* ranges from sea level to more than 300 feet above mean sea level [ft MSL], with a thickness of 20 to 200 feet, and is utilized predominantly by domestic wells. About 4 percent of wells are reported to be completed in this unit.

Semi-Perched Aquifer (SPA)—This semi-perched *aquifer* exists within *permeable* interbeds (QC1pi) of the upper confining unit (QC1). The top of the *aquifer* ranges from sea level to more than 200 ft MSL, with a thickness of 10 to 50 feet. About 25 percent of wells are reported to be completed in this unit.

Sea Level Aquifer (SLA)—The Sea Level *aquifer* (QA1) is extensive, widely used, and mostly confined by QC1. The top of the *aquifer* ranges from -200 to 200 ft MSL, with a typical thickness of 25 to 200 feet. Fifty-three percent (53%) of wells are completed in the SLA.

Glaciomarine Aquifer (GMA)—This *aquifer* consists of water-bearing units within a thick sequence of fine-grained glaciomarine drift (QA2). The top of the *aquifer* ranges between more than -500 to -300 ft MSL, with a typical thickness of 20 to 300 feet. Several of the Bainbridge Island's production wells and at least 4 domestic wells are completed in this *aquifer*, representing about 2 percent of wells.

Fletcher Bay Aquifer (FBA)—The FBA (QA3) is the deepest identified *aquifer* on Bainbridge Island. Several large production wells are completed in this *aquifer* including the Fletcher Bay Well. The top of the *aquifer* ranges between more than -900 to slightly less than 600 ft MSL, with a typical thickness of 50 to 300 feet. While representing only about 1 percent of wells on Bainbridge Island, the metered KPUD and COBI FBA wells provide approximately 30 percent of the estimated total Island *groundwater* production.

Bedrock Aquifer—Less than 1 percent of the wells are completed in the sedimentary Blakely Harbor and Blakeley formations on the south end of Bainbridge Island.

Other wells on Bainbridge Island are either completed in water bearing zones within confining units or have an indeterminate *aquifer* completion zone.

COBI's monitoring well network is distributed across the six Bainbridge Island *aquifers* as follows: 16 in the Perched *Aquifer*, 7 in the Semi-Perched *Aquifer*, 32 in the Sea Level *Aquifer*, 5 in the Glaciomarine *Aquifer*, 9 in the Fletcher Bay *Aquifer*, and 1 in the Bedrock *Aquifer*. Aspect has updated the USGS *groundwater* model to include one new public supply well (KPUD North Bainbridge Well #10), for a total of 1,470 Group A and B public wells and exempt wells estimated to be active on Bainbridge Island.

Aquifer Concerns and Observed Conditions

There are two primary concerns in protecting an *aquifer* system. These are quality and quantity.

Water Quality

Seawater Intrusion

One of the most common *groundwater* quality concerns for Islands or other saltwater shorelines is saltwater intrusion, which is the movement of saltwater into a freshwater *aquifer*. Where the source of saltwater is marine water such as Puget Sound, this process is known as seawater intrusion. Seawater intrusion

occurs when the saltwater/freshwater interface moves inland from offshore. Freshwater is less dense than saltwater and so freshwater will float above saltwater. It is the pressure of the overlying freshwater that keeps the interface offshore. Excessive pumping or overuse of the overlying freshwater will pull the interface toward the shoreline and possibly inland.

Some of our *aquifers* such as the *shallow* Perched and Semi-Perched *aquifers* are, generally, not in contact with saltwater and, therefore, generally not susceptible to seawater intrusion (an exception being where these *aquifers* are present near the shoreline).

The Sea Level *Aquifer* and our deeper *aquifers* can be susceptible. How susceptible can vary from *aquifer* to *aquifer* and, even within the same *aquifer*, depending upon local conditions.

In order to monitor for potential seawater intrusion, the most common practice is to measure chloride concentration and specific conductivity in *groundwater*. The City's *Groundwater* Management Program conducts annual chloride sampling in *aquifers* or wells susceptible to seawater intrusion. The established Early Warning Level, or EWL, is a chloride concentration >100 mg/L or any 4 consecutive samples showing an increasing trend. To date, no wells in the City's monitoring network (including Kitsap Public Utility District and the City's Water Utility wells) exceeded the EWL, and no trends in chloride results were noted.

Chloride concentrations typically varied between 2 mg/L and 15 mg/L. Results in 2013 and 2014 in the Fletcher Bay *Aquifer* indicate slightly elevated chloride above historic baseline concentration, but not upward trending results. However, these *should* be monitored for continued changes.

Additionally, the City's *groundwater* model was run by USGS in 2010 and updated, recalibrated and run again by Aspect Consulting in 2016 to examine the potential for seawater intrusion under different water production (e.g., growth) scenarios. Model projections indicated no seawater intrusion. It *should* be noted that the model is designed to observe regional scale conditions, but the scale is not fine enough to assess very localized conditions such as one or two wells along the shoreline. Therefore, it is important to continue to monitor in vulnerable areas to catch potentially developing local conditions.

One example is an elevated chloride level measured in one well in the Seabold area in 2006 prior to the development of the City's *Groundwater* Management Program. As there was no established program in place at the time, there was no immediate follow up sampling/study to confirm seawater intrusion rather than a source other than seawater intrusion. Other common sources of chloride in *groundwater* include connate, or very-old, *groundwater*, septic system effluent, very hard *groundwater*, windblown sea spray, and *recharge* from irrigation, agricultural practices, and well disinfection.

Chloride from any of these sources can result in elevated levels of chloride in an

aquifer or well. Erroneously interpreting chloride concentration data without more detailed study may result in what is called a “false positive,” where a test identifies a problem that does not in fact exist. That is why follow up investigation using site-specific assessments, is necessary before seawater intrusion can be confirmed. The City, the Kitsap Public Health District, and the Kitsap Public Utility District have teamed up to scope a localized, focused study in the Seabold area for potential funding in 2017.

Nitrate

According to USGS research, nitrate is the most commonly found pollutant in *groundwater* nationwide, particularly in rural areas. Nitrate levels in drinking water above EPA’s Maximum Contaminant Level (or MCL) of 10 mg/L can have serious health effects primarily for infants, but also pregnant women and individuals undergoing treatment with antioxidant medications. Nitrate converts to nitrite in the digestive track which causes a condition call methemoglobinemia which lowers the oxygen in the blood stream. In infants this is called “Blue Baby Syndrome.” Brain damage, even death, can occur.

High nitrate levels in *groundwater* can also indicate the possibility that other contaminants may be present in the water such as bacteria or pesticides.

The typical sources of nitrate in *groundwater* include the application of fertilizers and pesticides, mostly from agricultural row crop farming, but commercial and *residential use* can be significant sources as well (such as lawns, parks, golf courses, ballfields, nurseries, and extensive gardens). Other sources include industrial processes and wastewaters, the land application of wastewater treatment plant sludge or biosolids, and on-site septic system returns.

Although the *Groundwater* Management Program does not, at present, routinely monitor nitrate in *groundwater*, the City’s consultant examined nitrate data from the Kitsap Public Health District (KPHD) as part of the 2015-2016 assessment. Nitrate data were not found to exceed EPA’s MCL of 10 mg/L. Nitrate data for Group A and B public wells and exempt wells did not indicate any trends. Data submitted to KPHD for exempt wells are typically single results and are insufficient to calculate any trends. However, the maximum result during the last 15 years (2000–2014) was 5.17 mg/L in 2007. There are no apparent trends over time or geographically across the island.

Other Water Quality Concerns

Generally, *groundwater* quality on the Island is very good. However, moderate levels of iron and manganese are naturally-occurring and common. Although neither of these minerals normally exceed EPA’s standards for drinking water, they can influence odor and taste and stain fixtures. Many *public water systems* and some private systems use filtration devices to remove or reduce these minerals.

Sole Source Aquifer Designation

In 2013, the Bainbridge Island *Aquifer* System was designated a Sole Source *Aquifer*. Sole Source *Aquifer* Designation can apply to one *aquifer* or a system of multiple *aquifers* as is the case with Bainbridge Island.

The Sole Source *Aquifer* Designation Program is an EPA program authorized under the Safe Drinking Water Act of 1974. Section 1424(e) defines a sole source *aquifer* as “the sole or principal drinking water source for the area and which, if contaminated, would create a significant hazard to public health.”

The EPA more specifically defines a sole or principal source *aquifer* as one which supplies at least 50 percent of the drinking water consumed in the area overlying the *aquifer*, and that these areas have no alternative drinking water source(s) which could physically, legally, and economically supply all those who depend upon the *aquifer* for drinking water.

The program and designation are specifically designed to protect the quality of drinking water by helping to prevent contamination of the *aquifer* system. It provides this protection by raising the level of awareness of the vulnerability of the *aquifer* system to contamination and our dependence upon the system as a drinking water supply.

Further, it requires additional EPA scrutiny of federally-funded projects. EPA inspects proposed projects for potential to contaminate the underlying *aquifer*, and, where appropriate, requires modifications and mitigations to prevent contamination.

However, this additional scrutiny applies to federally-funded projects only, and some projects such as highways and agriculture may be exempt if they meet criteria laid out in pre-established memorandums of understanding between the EPA, the Department of Transportation, the Department of Agriculture, or other agencies.

Water Quantity

Water Levels

The City's *Groundwater* Management Program currently monitors water levels in public and domestic wells Island-wide and in all six *aquifers*. Water level is an indicator for water quantity, and water level data are assessed against the program's early warning level, or EWL, for safe yield. The EWL for safe yield is a declining water level equal to or greater than ½ foot or more per year over a 10-year period that cannot be attributed to below average rainfall.

Individual well levels were reviewed for trends and compared against the EWL for safe yield. All wells were found to be below the EWL. Water levels in the *aquifers* did not indicate any *aquifer*-wide trends, and only two individual wells were noted for further review.

An exempt well (25N/02E-21P03) in the Sea Level *Aquifer* showed an apparent average decline of approximately 0.56 feet/year over the 8-year period of record.

However, further review of the water level measurement method history showed that it changed twice over the period of record from a steel tape to a sonic water level meter and, then, back to steel tape. The results collected via sonic water level meter appeared to be inconsistent compared to the results before and after using the steel tape, a more rudimentary but more reliable measurement method. Therefore, the sonic level readings were removed from the analysis. Once removed, the remaining data were below the EWL. Water-use data were not available for the well. However, the well owner indicated to COBI that no known change in water use occurred over the period of record. Continued long-term monitoring of this well using the steel tape method, as planned by COBI, will determine if there is a significant trend in water level decline over time.

Group A system well 'Island Utility Well #1' (25N/02E-34F07) in the Fletcher Bay *Aquifer* has shown an average decline of approximately 0.49 feet/year from 2004-2014. Although this does not yet exceed the EWL, it is very close to approaching it. Therefore, further monitoring and assessment are warranted. The well is situated next to two other Fletcher Bay *Aquifer* production wells (Island Utility Well #2, Island Utility Well #4) within the same water system. Production data have not been available for these wells, which makes it unclear if declines are related to changes in water use over the period. This system has just transitioned to operation by KPUD in mid-2015, and they are now reviewing available information to understand the current conditions within that water system.

Additional data review will continue as the system *infrastructure* is updated to see if additional water use, system loss, or some other factor contributed to the historical decline. No other Fletcher Bay *Aquifer* wells monitored exhibited a similar declining trend, so it appears that this issue is specific to this well and not an *aquifer-wide* concern.

Aquifer System Carrying Capacity

The City, as a community, has yet to fully-define or characterize a sustainable *aquifer* system. Some initial characteristics are keeping the saltwater/freshwater interface offshore and saltwater out of the freshwater supply, and maintaining a balanced water budget for the *aquifer* system in order to prevent depletion.

To help provide some baseline information about these initial characteristics and expected impacts to the system due to *climate change*, Aspect Consulting conducted a system *carrying capacity* model assessment. The *aquifer* system *carrying capacity* assessment was based on those safe-yield indicators with EWLs described above using *aquifer* water levels and chloride concentration. The on-Island *groundwater* balance for the entire *aquifer* system (water budget) was also evaluated. The *groundwater* balance components do not have EWLs, but were evaluated to provide additional context on the predicted changes in *groundwater* conditions.

Water Level Changes: The following rates of *groundwater* level change were based on comparing current and predicted *groundwater* levels in 100 years:

- The Perched *Aquifer* system showed an average 0.10 foot per year of water level decrease at 25 locations simulated across the Island;
- The Semi-Perched *Aquifer* system showed an average 0.13 foot per year of water level decrease at 12 locations simulated across the Island;
- The Sea Level *Aquifer* system showed an average 0.09 foot per year of water level decrease at 49 locations simulated across the Island;
- The Glaciomarine *Aquifer* showed an average 0.02 foot per year of water level decrease at 6 locations simulated across the Island; and
- The Fletcher Bay *Aquifer* showed an average 0.15 foot per year of water level decrease at 9 locations simulated across the Island.

The predicted *groundwater* level changes over a 100-year timeframe were less than the COBI EWLs.

Saltwater/freshwater Interface: The predictive model results indicated that, despite these slow declines, *groundwater* from the Bainbridge Island *aquifer* system flows to Puget Sound and keeps the freshwater/seawater interface at a distance from the Bainbridge Island shoreline. All wells within the Bainbridge Island shoreline maintained chloride concentrations less than 100 mg/L, and no trend in concentrations was observed based on predictive model results.

Water Budget: Though the predicted *groundwater* level declines did not appear to induce seawater intrusion, they can have impacts on other components in the system such as discharge to *streams* to help maintain summertime flows. Therefore, it is important to examine the components of the system's water budget.

Similar to a financial budget, a water budget represents a balance of inputs and outputs. If one component goes up or down, some other component(s) must go up or down to compensate. *Groundwater* balance components are typically difficult to measure directly (such as *recharge* and *groundwater* underflow). Thus, this *groundwater* balance assessment relies on modeling results without actual field measurements.

Based on the 2011 USGS Report, the relationship between *groundwater* balance inputs and outputs for the Bainbridge Island *aquifer* system is shown in the following equation:

$$R_{\text{ppt}} = W_{\text{ppg}} + D_{\text{sw}} + (GW_{\text{ps}} - GW_{\text{kp}})$$

Where:

Inputs include:

R_{ppt} is precipitation *recharge*.

Outputs include:

W_{ppg} is *groundwater* withdrawals;

D_{sw} is *groundwater* drainage to surface water (such as seeps to bluffs, creeks, *streams*, etc.); and

$(GW_{ps} - GW_{kp})$ is the net lateral *groundwater* underflow (*groundwater* flow toward Puget Sound submarine seeps (GW_{ps}) and *groundwater* flowing from the Kitsap peninsula in deeper *aquifers* (GW_{kp})).

To balance the modelled 50-percent increase in *groundwater* withdrawals and the 20-percent decrease in *recharge* due to *climate change*, the model showed projected changes in *groundwater* drainage to surface water (approximately 40-percent decrease) and lateral *groundwater* flow (approximately 24-percent decrease). Figure 6, excerpted from Aspect's technical memorandum (*Bainbridge Island Groundwater Model: Aquifer System Carrying capacity Assessment (Task 3 Scenario)*, 2016) compares the water balance components under current and projected conditions, based on model results.

The Bainbridge Island *groundwater* model results showed *aquifer* storage will be reduced by approximately 11,000 million gallons between current and projected conditions, reflecting the water level decreases described above. These *groundwater* balance results *should* be carefully interpreted, considering that the limited grid resolution may not be sufficient to accurately simulate *groundwater* discharge to surface water, and that the model has not been calibrated to observed flows.

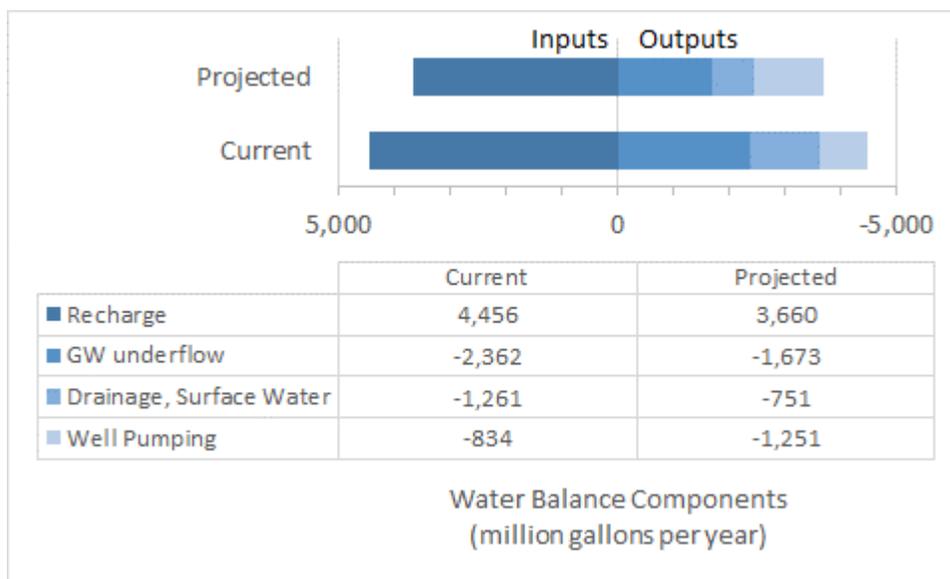


Figure 2. Current and Projected Groundwater Balance Components.

As shown in Fig. 2 In this figure, well pumping (also called production) is the amount of water taken out of the system through wells (water use). The 50% increase in this component represents the expected increase in water use due to population growth.

Drainage to surface water is *groundwater* contribution to surface water features such as *wetlands*, lakes, and *streams*. The 40% reduction shown here may have an impact on maintaining summer baseflows and water temperatures. It is cautioned that the model as it is currently constructed is not specifically designed to provide an estimate as to how much stream flow will be impacted, but it could be modified to answer specific questions around this topic in future model runs.

Groundwater underflow is the amount of *groundwater* that seeps or discharges into Puget Sound at the shoreline. This value is influenced by the water levels in the *aquifers*, and the reduction shown here represents the impact from project water level decreases. The key importance to this component is that there has to be enough underflow to provide the pressure to keep the saltwater/freshwater interface offshore and prevent seawater intrusion.

Recharge is the portion of precipitation or rainfall that infiltrates the ground and reaches the *aquifer*. The estimated 20% reduction shown in the water balance accounts for *climate change* impacts.

The amount of *groundwater* underflow and discharge to *streams* is driven by the geological makeup of the *aquifer* system. Therefore, we have no direct ability to control these budget components. Rather it is the components of well pumping and *recharge* that we have more ability to directly control. We can reduce well pumping by reducing our water use through aggressive water conservation measures.

Though we cannot control precipitation patterns, we can take measures to enhance *recharge* through creative water capture and return measures (from the rain barrel scale to large scale *infrastructure*) and through protective *land use* measures such as *low impact development* and protection of *aquifer recharge areas* and other *aquifer* conservation areas.

Aquifer Recharge Areas

Understanding the Island's *aquifer recharge* system is important for both *groundwater* quantity and quality. The identification and protection of high *aquifer recharge areas* is important both from the standpoint of *groundwater* quantity and quality. *Aquifer recharge areas* have geologic and soil conditions which allow high rates of surface water infiltration, which also means they are particularly susceptible to contamination. Increasing *impervious surfaces* through development reduces the amount of *recharge* available to the Island's *aquifers*. At the same time, *runoff* from *impervious surfaces* in developed areas contains increased contaminants. Efforts to protect and preserve the Island's natural water supply are warranted, as the resources that would be required to clean up after contamination or to secure a new source would be prohibitive.

Where development overlays *aquifer recharge areas*, special considerations need to be made to preserve the volume of *recharge* available to the *aquifer* and to protect the *groundwater* from contaminants such as nitrates, biocides and heavy metals found in septic systems and *stormwater runoff*. The most extensively used *aquifer* underlies 85% of the Island and occurs under all zoning classifications.

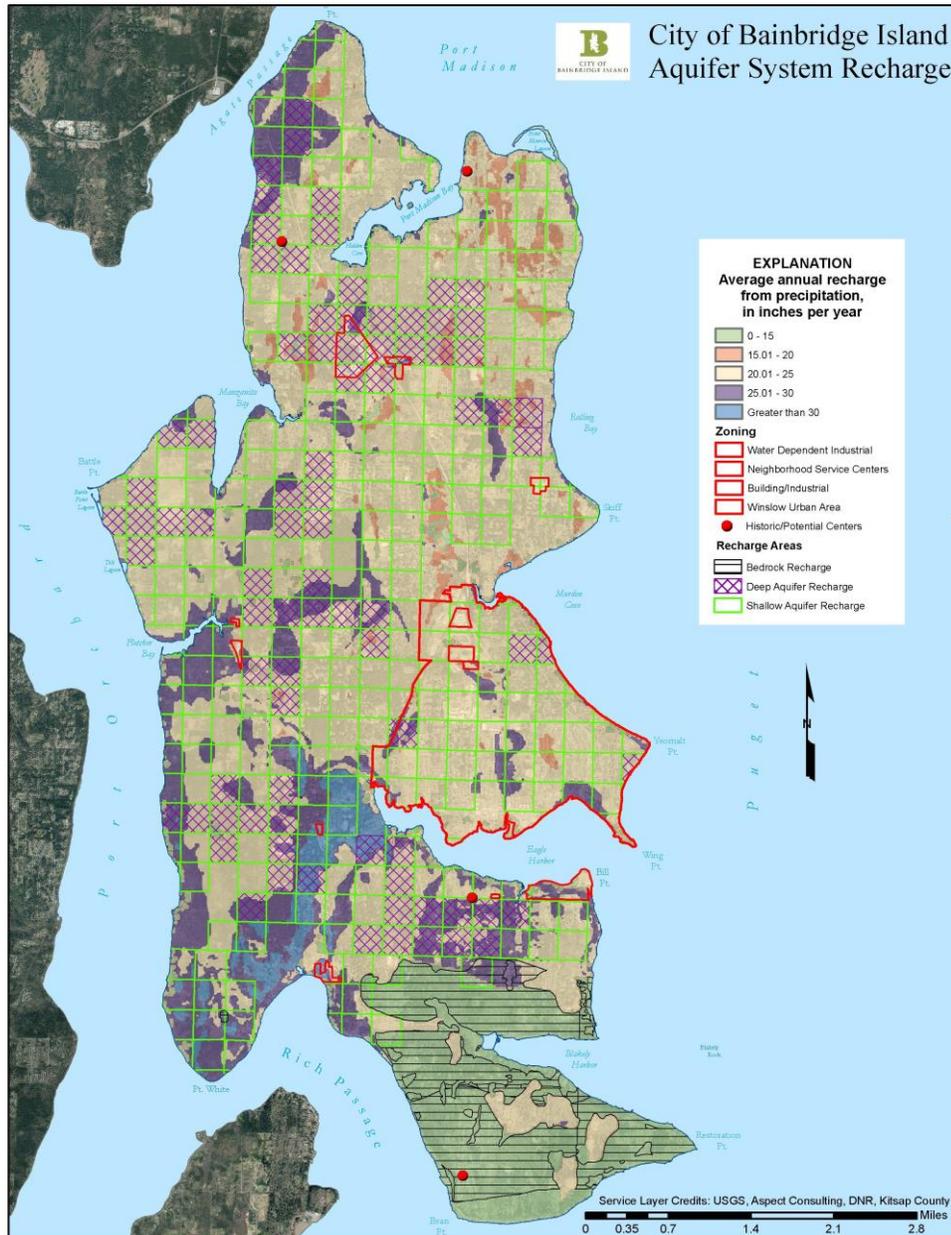
To help the City assess *recharge* areas for special protection or designation, the model was run to determine *recharge* areas on the Island.

The Bainbridge Island model results indicate that areas across much of the Bainbridge Island area may have a critical recharging effect on *aquifers* that are

sources of drinking water. Primary findings include:

- Wells in *shallow aquifers* (including the Sea Level Aquifer and above) may withdraw water that originates as *recharge* relatively close to the well head and is younger than 100 years old. See figure below which shows the *recharge* areas for *shallow aquifers* (green squares).

Fig. 3 – Aquifer System Recharge



- Not all *groundwater* on Bainbridge Island comes from *recharge* on Bainbridge Island. Model results indicate several wells tapping the deeper *aquifers* withdraw water that originates as *recharge* from areas on the Kitsap Peninsula and is greater than 1,000 years old.

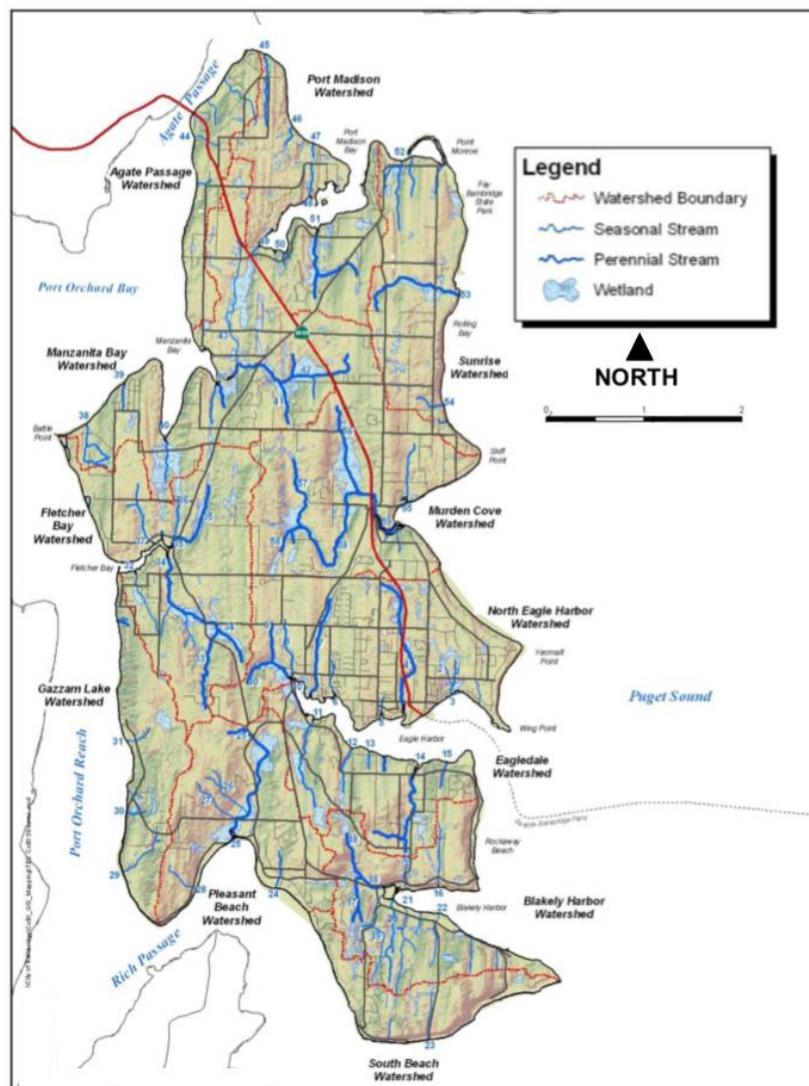
- Wells in deep *aquifers* (including the Glacio-Marine *Aquifer* and the Fletcher Bay *Aquifer*) may withdraw water that originates as *recharge* relatively distant from the wellhead and is greater than 100 years old. See **Figure 3** above that shows the *recharge* areas for deep *aquifers* (cross-hatched area).

Wells in bedrock were not simulated in the Bainbridge Island model as the method of water particle tracking was not appropriate for fractured bedrock. However, the bedrock is also considered a CARA, because water supply wells have been installed at various depths in bedrock, and potable water supply is from *recharge*. Bedrock *recharge* area is shown at hatched area.

Watersheds

Surface water flows from high geographic points to lower elevations collecting in *streams* and *wetland* systems within the *watersheds* of the Island. *Watershed* boundaries are determined by Island topography where ridgelines define the boundaries.

Fig. 4 – Watershed and Stream names



Bainbridge Island contains twelve distinct *watersheds* with 59 seasonal and perennial *streams* that contribute fresh water to Puget Sound (see **Figure 4 2.4** excerpted from the Water Quality and Flow Monitoring Program Final Monitoring Plan, 2008). Five harbors, twelve estuarine *wetlands*, one lake, 1,242 acres of *wetland*, 965 acres of tidelands (between mean high and mean low tide), and 53 miles of shoreline comprise the remainder of the surface water system.

Each surface water feature serves a critical function in preserving hydrologic connectivity within the *watershed*. Recent research is finding that even those features that are seasonal such as ephemeral or intermittent *streams* and seasonally-flooded *wetlands* are critical faunal and floral habitat providers, biogeochemical processors, and connectivity corridors.

Surface Water

The surface waters of Bainbridge Island provide aesthetic, recreational, economic, and ecological benefits to Island citizens. Boating, fishing, and shellfish harvest are important recreational and economic activities, and the Island's *streams*, lake, harbors, shorelines, and *wetlands* provide habitat for a diversity of fish and wildlife species.

The harbors and numerous coves around the Island host anchorage, moorage, marinas, boat launches, waterfront access, and swimming beaches. Eagle Harbor, specifically, hosts marinas which provide permanent moorage for live-aboards and an open water mooring and anchoring area for the Island's live-aboard community.

In addition to providing forage and habitat for salmon, otter, sea lions, and waterfowl and swimming, boating, and fishing areas for people, the majority of the Island's shorelines and adjacent nearshore areas are designated commercial shellfish growing and harvest areas by the State Department of Natural Resources. Many shoreline residents recreationally harvest shellfish such as clam and geoduck as well. The Shoreline Master Plan also regulates shellfish harvest activities.

Stormwater

Stormwater is generated when the ground becomes saturated and rainwater drains overland to the nearest surface water body or rainfall encounters hard or *impervious surfaces* and drains into manmade drainage ditches, catch basins, and pipes.

There is no question that *stormwater runoff* is the leading transport pathway of pollution into Puget Sound and its associated *wetlands*, creeks, *streams* and rivers. Not only does it carry pollutants such as trash; gas, oil, and metal-laden sediment from road surfaces and parking lots; pesticides, fertilizers, and other chemicals used in lawn care; pet waste and animal waste in agricultural areas, but the volume of *stormwater* generated by *impervious surfaces* has tremendous force and can cause erosion and damage to in-stream and *wetland* habitat.

Peak flows that follow immediately after a storm can be much greater than existed when the land was in a natural state with vegetative cover, causing *streams* to expand and overflow and creating flooding conditions on adjacent lands.

Therefore, *stormwater* has long been considered, at best, a nuisance and flooding hazard to be collected and delivered downstream as quickly and efficiently as possible and, at worst, a waste stream to be collected and removed from the *watershed*. Existing land development methods and *stormwater* drainage system *infrastructure* are designed to do just that.

However, as early as the year 2000, water-starved areas of the country started to view *stormwater* as a vital resource rather than a waste stream, first by limiting its generation by reducing *impervious surface*; then, retaining and infiltrating it on site where feasible; and, lastly, protecting it from pollution, capturing it, and reusing it to the maximum extent possible. On June 16, 2015, the California State Water Resources Control Board adopted an order that provides a framework to promote integrated *stormwater* capture and reuse to improve water quality, protect local beaches, and supplement water supplies. The new [*stormwater* discharge] permit focuses on using *stormwater* as a resource and encourages *green infrastructure* and *groundwater recharge* (*Stormwater Report, Water Environment Federation, June 2015*).

The Pacific Northwest is not considered water-starved and local conditions are not nearly so dire as in California. However, *climate change* predictions suggest that local water supplies likely will see some reduction in *recharge*; rainfall patterns will further tax existing, ailing, and undersized drainage *infrastructure* and possibly diminish summertime stream flows and water quality; and warming temperatures will increase summertime stream temperatures. Therefore, local municipalities are, also, rethinking their view of *stormwater* and many have already started evaluating and planning for *climate change*, especially in *stormwater* drainage system maintenance and retrofit. In 2009, Kitsap County adopted resolution 109-2009, *Creating Kitsap County "Water as a Resource" Policy*, in which the county resolved to treat all of its waters, including *stormwater*, as a vital resource, incorporating *low impact development* and water capture and reuse into all of its *land use* and utility management planning.

Observed Surface and Stormwater Conditions

Department of Ecology Surface Water Quality Assessment

Every two years the State Department of Ecology (Ecology) identifies polluted water bodies and submits a list of impaired water bodies, called a 303(d) list, to the Environmental Protection Agency (EPA) for approval in accordance with the federal Clean Water Act. This assessment is based on the assumption that each water body *should* support certain designated uses. Some of these uses are swimming and boating, fish and shellfish rearing and harvest, and wildlife habitat.

Ecology designates water bodies that frequently or consistently fail to meet standards or criteria as *Impaired*. Water bodies that only infrequently fail to meet standards are classified as *Waters of Concern* or *Sediments of Concern* if the sampled matrix was sediment. These assessments use water, fish/shellfish tissue, habitat, and sediment data.

Ecology's [2012 Water Quality Assessment](#) determined that one stream, one harbor, two coves, one lagoon, and three Island-adjacent nearshore marine areas on Bainbridge Island were *Impaired* by one or more pollutants and were not able to provide the full recreational, habitat, and aesthetic benefits they once offered. An additional one bay, one harbor, and 28 other Island-adjacent nearshore marine areas were identified as *Waters of Concern* and/or *Sediments of Concern* for periodic excursions beyond the allowable standard or criteria for one or more pollutants.

Ecology's proposed [2014 Water Quality Assessment](#) (under review by the EPA at the time of this printing), designated an additional two *streams* as *Impaired* by at least one pollutant. Tables 2-5 on the following pages detail those water bodies classified as *Impaired* or *of Concern* according to the analyzed matrix (water, tissue, habitat, and sediment, respectively).

It *should* be noted that much of the sediment data were collected prior to 2003, some as early as the 1990's. These may not be representative of current conditions. Further, many of the identified pollutants are legacy pollutants resulting from historic *land use* such as large-scale, row-crop *farming* and the active lumber industry at the turn of twentieth century. The City's sediment sampling data collected in 2008 and 2013 may be more representative of current inputs to these water bodies. These data are summarized in the next section, *City Surface Water Quality Assessment*.

One example of legacy pollution is the former [Wyckoff Creosote Facility](#) located at the mouth of Eagle Harbor. Sites where sediments are contaminated by hazardous waste are regulated and managed through the Model Toxics Control Act (MTCA). Sites such as the former Wyckoff Creosote Facility, due to the complexity and size, are normally addressed through [EPA's Superfund program](#).

However, water bodies listed on the 303(d) list require TMDLs (Total Maximum Daily Loads) where identified sources of the pollutant of concern are allocated a pollutant load reduction in order for that water body to meet criteria. Currently, the City is a stakeholder in the [Sinclair and Dyes Inlets Fecal Coliform Bacteria Total Maximum Daily Load \(TMDL\)](#). Four of the Island's *watersheds* are captured within the TMDL drainage basin boundaries (Fletcher Bay, Gazzam Lake, Pleasant Beach, and South Beach *Watersheds*).

Fig. 5 – Four tables from the Ecology Approved 2012 Water Quality Assessment**Table 2. Ecology Approved 2012 and Proposed 2014 Water Quality Assessment - Water**

Waterbody	Parameter or Pollutant	2012	2014 (Proposed)
Eagle Harbor (Middle)	Bacteria	Impaired	Impaired
	Copper	Waters of Concern	Waters of Concern
Eagle Harbor (Inner)	Dissolved Oxygen	Waters of Concern	Waters of Concern
	Temperature		
Agate Passage - Bridge	Dissolved Oxygen	Waters of Concern	Waters of Concern
Agate Passage - Agate Point	Dissolved Oxygen	Waters of Concern	Waters of Concern
	Temperature		
Rich Passage - Pleasant Beach Cove/Pleasant Beach	Bacteria	Impaired	Impaired
	Dissolved Oxygen		
	pH	Waters of Concern	Waters of Concern
Rich Passage - Point White	Dissolved Oxygen	Waters of Concern	Waters of Concern
Rich Passage - Fort Ward	Bacteria	Waters of Concern	Waters of Concern
	Dissolved Oxygen		
	pH		
Port Orchard Passage - Lower Crystal Springs	Dissolved Oxygen	Impaired	Impaired
	Bacteria		
	Temperature		
Port Orchard Passage - Upper Crystal Springs	Bacteria	Waters of Concern	Waters of Concern
Port Orchard Passage - Fletcher Bay	Bacteria	Waters of Concern	Waters of Concern
Port Orchard Passage - Battle Point	Bacteria	Waters of Concern	Waters of Concern
Port Orchard Passage - South of Rolston	Bacteria	Waters of Concern	Waters of Concern
Puget Sound (Central) - Blakely Harbor (Mouth)	Bacteria	Waters of Concern	Waters of Concern
Puget Sound (Central) - Blakely Harbor (Middle)	Bacteria	Waters of Concern	Waters of Concern
Puget Sound (Central) - Blakely Harbor (Inner)	Bacteria	Waters of Concern	Waters of Concern
Puget Sound (Central) - Murden Cove	Bacteria	Impaired	Impaired
Puget Sound (Central) - Rolling Bay	Bacteria	Waters of Concern	Waters of Concern
Port Madison Bay - Point Monroe	Bacteria	Waters of Concern	Waters of Concern
Port Madison Bay - Mouth	Bacteria	Waters of Concern	Waters of Concern
Springbrook Creek	Bacteria	Impaired	Impaired
Ravine Creek	Bacteria	---	Impaired
Murden Creek	Bacteria	---	Impaired

Table 3. Ecology Approved 2012 and Proposed 2014 Water Quality Assessment - Tissue

Waterbody	Parameter or Pollutant	2012	2014 (Proposed)
Eagle Harbor (Outer)	Benzo(a)pyrene	Impaired	Impaired
	Benzo(a)anthracene		
	Benzo[b]fluoranthene		
	Benzo[k]fluoranthene		
	Chrysene		
	Dibenzo[a,h]anthracene		
	Indeno(1,2,3-cd)pyrene		
Puget Sound (Central) - Rockaway	PCB	Impaired	Impaired
	Chrysene		

Table 4. Ecology Approved 2012 and Proposed 2014 Water Quality Assessment - Habitat

Waterbody	Parameter or Pollutant	2012	2014 (Proposed)
Puget Sound (Central) - Murden Cove	Habitat	Impaired	Impaired
Port Madison - Point Monroe Lagoon	Habitat	Impaired	Impaired

Table 5. Ecology Approved 2012 and Proposed 2014 Water Quality Assessment - Sediment

Waterbody	Parameter or Pollutant	2012	2014 (Proposed)
Eagle Harbor (Outer)	1,2,4-Trichlorobenzene	Impaired	Impaired
	1,2-Dichlorobenzene		
	1,4-Dichlorobenzene		
	2,4-Dimethylphenol		
	2-Methylnaphthalene		
	2-Methylphenol		
	4-Methylphenol		
	Acenaphthene		
	Acenaphthylene		
	Anthracene		
	Arsenic		
	Benzo(a)anthracene		
	Benzo(a)pyrene		
	Benzo(g,h,i)perylene		
	Benzo(a)fluoranthene (b+k+j), Total		
	Benzoic Acid		
	Benzyl Alcohol		
	Bis (2-Ethylhexyl) Phthalate		
	Bioassay		
	Butyl Benz Phthalate		
	Cadmium		
	Chromium		
	Chrysene		
	Copper		
	Dibenzo(a,h)anthracene		
	Dibenzofuran		
	Diethyl Phthalate		
	Dimethyl Phthalate		
	Di-n-butyl Phthalate		
	Di-n-octyl Phthalate		
	Fluoranthene		
	Fluorene		
	Hexachlorobenzene		
	Hexachlorobutadiene		
	HPAH		
	Indeno(1,2,3-c,d) Pyrene		
	Lead		
LPAH			
Mercury			
Naphthalene			
N-Nitrosodiphenylamine			
PCB			
Pentachlorophenol			
Phenanthrene			
Phenol			
Pyrene			
Silver			
Zinc			
Rich Passage - Pleasant Beach	Benzoic Acid	Sediments of Concern	Sediments of Concern
Rich Passage - Pleasant Beach Cove	Benzoic Acid	Sediments of Concern	Sediments of Concern
Port Orchard Passage - Upper Crystal Springs	Benzoic Acid	Sediments of Concern	Sediments of Concern
Port Orchard Passage - South of Rolston	1,2,4-Trichlorobenzene	Sediments of Concern	Sediments of Concern
	1,2-Dichlorobenzene		
	Benzyl Alcohol		
Port Orchard Passage - Manzanita Bay	1,2,4-Trichlorobenzene	Sediments of Concern	Sediments of Concern
	1,2-Dichlorobenzene		
Puget Sound (Central) - Wing Point	1,2,4-Trichlorobenzene	Sediments of Concern	Sediments of Concern
	1,2-Dichlorobenzene		
	1,4-Dichlorobenzene		
	2,4-Dimethylphenol		
	Hexachlorobenzene		
Puget Sound (Central) - Rockaway	Pentachlorophenol	Sediments of Concern	Sediments of Concern
	1,2-Dichlorobenzene		
	1,2,4-Trichlorobenzene		
	1,4-Dichlorobenzene		
	2,4-Dimethylphenol		
	Hexachlorobenzene		
	Hexachlorobutadiene		
Naphthalene			
Puget Sound (Central) - Blakely Harbor (Middle)	N-Nitrosodiphenylamine	Sediments of Concern	Sediments of Concern
	1,2-Dichlorobenzene		
	1,2,4-Trichlorobenzene		
	1,4-Dichlorobenzene		
	2,4-Dimethylphenol		
	Dibenzo(a,h) anthracene		
	Hexachlorobenzene		
	Hexachlorobutadiene		
N-Nitrosodiphenylamine			
Pentachlorophenol			

Commercial Shellfish Growing Area and Recreational Harvest Area Assessment

Department of Health (DOH) [routine bacterial and biotoxin assessments](#) of recreational shellfish harvest areas and commercial shellfish growing and harvest areas demonstrate a significant loss of designated uses. The entire east, north, and west shorelines are closed to recreational butter and varnish clam harvest, and the southern shoreline is closed to recreational varnish clam harvest. Only one small area around Point White is open to recreational harvest.

Most commercial shellfish growing area around the Island is open to harvest. However, two segments of commercial shellfish growing areas along Agate Passage and Crystal Springs are currently closed due to bacterial contamination in shoreline drainages to include private drains, *stormwater* outfalls, and *streams*. Point Monroe Lagoon is restricted for commercial harvest, requiring that shellfish be transplanted to approved growing area waters for a specified amount of time in order to naturally cleanse themselves of contaminants before they are harvested for market. Commercial Geoduck Tract 07850 at Restoration Point was closed four times in 2012-2013 for biotoxin. Commercial Geoduck Tract 07000 at the mouth of Manzanita Bay has been closed 14 times in the last five years for biotoxin, and is currently closed at the time of this printing.

In addition to annual commercial growing area reports, DOH publishes an annual threatened areas report to bring attention to monitoring sites where bacteria concentrations are close to exceeding the criteria. The [2015 report](#) (based upon 2014 data) identified one monitoring site (#457) immediate outside of the north side of the mouth of Fletcher Bay as a threatened site and one site (#418) along the southern shore of Blakely Harbor as a site of concern.

Swimming Beach Assessment

The Departments of Ecology and Health's BEACH Program conducts [swimming beach monitoring](#) for bacteria during the swimming season (Memorial Day through Labor Day). Typically, bacteria levels in marine waters tends to be fairly low in the summertime. In fact, most beach closures on the Island have been associated with *sanitary sewer* spills such as the Kitsap Sewer District #7 Fort Ward spill in 2012, and the City's sewer main breaks along the north side of Eagle Harbor in 2014.

In 2015, three of the Island's swimming beaches (Fay Bainbridge Park, Joel Pritchard Park, and Eagle Harbor Waterfront Park) were monitored. Bacterial concentrations in 2015 were acceptable, and there were no beach closures in 2015.

City Surface Water Quality Assessment

In 2007, the City received a Centennial Clean Water Fund Grant from Ecology to design and implement a long-term monitoring program to assess the ecological

health of the Island's freshwater (*streams* and lakes), marine water (harbors, bays, and nearshore areas), and *stormwater* discharge.

The Water Quality and Flow Monitoring Program (WQFMP) was pilot-tested in 2007-2008 and expanded to Island wide long-term status and trends monitoring in 2010. The program currently conducts routine monitoring for stream and *stormwater* chemistry, stream and nearshore sediment chemistry, rainfall, stream and *stormwater* flow, and stream biodiversity (benthic macroinvertebrates). Every five years, the program also conducts targeted storm event monitoring to assess *stormwater runoff* impacts in *streams* and nearshore marine waters.

Although the program's [Final Monitoring Plan](#) is comprehensive, staffing and funding are limited. Current monitoring gaps are *stormwater* best management practice effectiveness monitoring, lake monitoring, marine biological assessments (fish, aquatic macrophytes, phytoplankton, and benthic invertebrates), routine marine water chemistry, and freshwater and marine habitat assessments.

The program released its first edition [State of the Island's Waters](#) report in 2012 which summarized findings from data collected through Water Year 2011 (September 2011). Program staff are currently assessing data collected through Water Year 2015 (September 2015) and working on a second edition of the report. The following summary reflects assessments completed at the time of this printing.

Bacteria

All of the seven nearshore marine waters monitored during WY2014 targeted storm event monitoring failed to meet the state criteria for fecal coliform bacteria, while 13 (86%) of the 15 *streams* monitored on a monthly basis failed to meet the state criteria in WY2015. Given these results and the number of state listings for bacterial impairment (see Table 2 above), bacteria has proven to be the most prevalent pollutant in freshwater and marine water resources Island wide.

As described above in *Commercial Shellfish Growing Area and Recreational Shellfish Harvest Area Assessment*, commercial shellfish harvest areas along approximately twelve miles of shoreline are currently closed due to elevated bacteria in shoreline drainages, and nearly the entire Island is closed to recreational harvest of varnish and butter clams due to the biotoxins usually associated with bacteria.

Bacterial contamination is common to every season and every *watershed*, urban or rural, and its sources are as varied as the landscape itself. In rural *watersheds*, the most common sources of bacteria are failing septic systems, improperly-managed pet and livestock wastes, and wildlife. In urban *watersheds*, the most common sources are improperly-managed pet waste, improper food handling, poorly-maintained food waste receptacles, failing septic systems, poorly-maintained or failing *stormwater* drainage *infrastructure* (private and public), failing *sanitary sewer infrastructure*, and

illicit cross-connections between the *sanitary sewer* and the *stormwater* drainage systems.

In marine environments, common sources of bacteria aside from discharges from upland sources are improper boat waste disposal, failing *sanitary sewer infrastructure*, and wildlife.

Nutrients

Although they are essential to all plant, human, and aquatic life, phosphorus and nitrogen concentrations, if excessive, can overstimulate growth of aquatic vegetation and algal blooms. Applying Ecology's Water Quality Index using the ratio of total nitrogen to total phosphorus, Island *streams* generally rate of low to moderate concern during the wet season and moderate to high concern during the dry season relative to other Puget Lowland *streams*. In 2013, a year of below average rainfall, most *streams* rated of moderate concern even in the wet season, and 3 *streams* reached a high level of concern. During the extreme dry period in the summer of 2015, 7 *streams* climbed to a level of high concern.

Nuisance algal blooms have increased along eastern shorelines and harbors (see Ecology's [Eyes Over Puget Sound](#)). These blooms are not only aesthetically unpleasant, but dying and decomposing algae use up aquatic life-sustaining oxygen and render aquatic habitat unusable such as in Murden Cove and Point Monroe Lagoon which are covered year-round with ulvoid macroalgae (see Table 4 above).

Though more study is needed to establish natural background levels for Island *streams* and it is well-understood that a significant amount of nitrogen-loading in Puget Sound comes from the ocean through the Strait of Juan de Fuca via tidal action, ecosystems with naturally high background levels are particularly sensitive to any additional loading from human sources.

Aside from the natural sources of nutrients from forests and *wetlands*, human inputs include agricultural and residential fertilizers, phosphate-based laundry detergents and commercial washing agents, yard waste such as grass clippings and other vegetation dumped along shorelines and *streams*, failing residential septic systems (in some cases even functioning systems), failing municipal sewer *infrastructure*, and improperly handled pet and livestock waste.

Ammonia

Ammonia is considered a priority pollutant by the EPA, since it is toxic to both humans and aquatic life. Therefore, there are established acute and chronic criteria for ammonia in surface waters. Acute criterion is the concentration of a substance at which injury or death to an organism can occur as a result of short-term exposure. Chronic criterion is the concentration of a substance at which injury or death to an organism can occur as a result of repeated or constant exposure.

Out of the 11 fish-bearing *streams* monitored on a routine basis, 8 (73%) consistently exceeded the chronic criteria, while the remaining 3 had seasonal exceedances only. During WY2014 targeted storm event monitoring, all 7 *streams* and corresponding nearshore areas monitored exceeded the chronic criteria. Murden Cove frequently exceeded the acute criteria. The cove exceeded acute criteria 14 times during the 3-year Murden Cove *Watershed* Nutrient and Bacteria Reduction Project (2013-2015).

Sediment and Metals

During rain events, sediment-laden *stormwater runoff* is a prominent pollutant on the Island. Not only does sediment cause excessive scouring and erosion, de-stabilizing *slopes* and stream banks and threatening property, but subsequent downstream deposition clogs stream bottoms, smothers fish eggs, and increases siltation rates in the Island's harbors and bays. Sediment also reduces fish's ability to find food and damages their gills as well.

Though ambient or background levels of suspended sediment in *streams* and nearshore areas are generally quite low, monitoring results show significant increases in suspended sediment in *streams*, nearshore marine waters, and *stormwater* outfall discharge during intense rain events.

Sediment-intolerant macroinvertebrate species (an important food source for fish) have diminished, some entirely, from half of the Island *streams* monitored, especially Ravine and Murden Creeks. In a recent King County assessment of the City's stream macroinvertebrate sampling data, it was observed that all of the City's sites typically had lower Fine Sediment Sensitivity Index scores than unimpacted reference sites, indicating that fine sediment may be a source of impairment to stream biological health.

Grain size analysis of stream substrate sampled in 2008 and 2013 demonstrates a significant shift in grain size in three streams. Ravine Creek's stream bottom shifted from 41.53% gravel, 56.79% sand, and 1.66% silt and clay in 2008 to 9.62% gravel, 85.34% sand, and 6.42% silt and clay in 2013. Schel Chelb Creek's stream bottom shifted from 82.66% gravel, 16.6% sand, and 0.29% silt and clay to 11.59% gravel, 82.94% sand, and 5.47% silt and clay. Only Springbrook Creek substrate showed a "coarsening" shift from 30.26% gravel, 65.66% sand, and 4.08% silt and clay to 40.7% gravel, 57.09% sand, and 2.21% silt and clay.

Equally concerning are the pollutants that sediment carries with it such as heavy metals. In King County's stream macroinvertebrate assessment, it was observed that Ravine Creek had the highest Metals Tolerance Index score, indicating that metal pollution may be a source of impairment to stream biological health in that stream.

Ambient heavy metal concentrations generally meet criteria. However, targeted storm event sampling in 2014 and 2015 revealed elevated metals concentrations in stormwater runoff and exceedances in some streams and nearshore areas during heavy rain events. Stormwater, Springbrook Creek, and Issei Creek all exceeded acute aluminum criteria. Stormwater also exceeded acute criteria for zinc and chronic criteria for copper. Ravine Creek, Manzanita Creek, Springbrook Creek, and Issei Creek exceeded the chronic criteria for copper, and Springbrook Creek, Ravine Creek and Schel Chelb Creek exceeded chronic criteria for lead. More concerning, Schel Chelb Creek exceeded acute criteria for zinc and cadmium.

Out of the seven harbors and bays sampled, only Eagle Harbor nearshore areas near the mouth of Ravine Creek/WSDOT Ferry Maintenance Facility and stormwater exceeded the chronic criteria, and for copper only.

Anywhere soil is exposed to rain there is a risk of sediment-laden *runoff*. Construction sites, croplands, sand and gravel pits or accumulations, and any other cleared or grubbed land surfaces are all potential sources of sediment. Likewise, poorly-maintained parking lots, *stormwater* drainage systems, and roadways become significant sources of sediment, particularly sediment laden with heavy metals. Metals are also carried to *streams* from uncontrolled discharges from auto washing washwater and industrial discharges.

Climate change may lead to an increase in landslide risk, erosion and sediment transport in the fall, winter, and spring seasons, while reducing the rates of these processes in the summer. Quantitative projections are limited, because of the challenge in distinguishing *climate change* impacts from factors such as development patterns and forest management.

Sediments that line the bottoms of water bodies are considered the long-term “record-keepers” of pollutants that move through the water body as many of the pollutants settle to the bottom and remain in the sediment for some time. Stream and marine nearshore bottom sediments collected in 2008 and 2013 were analyzed for contaminant chemistry to include gasoline, diesel, semivolatiles, polyaromatic hydrocarbons (PAHs), and metals. None of the detected contaminants that have state or federally-established criteria exceeded marine or freshwater sediment criteria.

Relatively few contaminants were detected in stream sediments. The most common were diesel range organics (specifically motor oil or lube oil) and Butyl Benzyl Phthalate. Motor oil or lube oil was detected in all 6 streams monitored in 2008 and 6 of the 9 streams monitored in 2013. Sediments from one stream (Murden Creek) contained gasoline range organics as well, though at very low levels.

Butyl Benzyl Phthalate (BBzP) is mostly used as a plasticizer for polyvinylchloride (PVC). However, it is commonly used as a plasticizer for vinyl foams, which are often

used as floor tiles, and other uses such as traffic cones, food conveyor belts, and artificial leather. BBzP was not detected in any of the stream sediments analyzed in 2008, but appeared as new detections in 8 of the 9 streams monitored in 2013 though at very low levels.

Additional contaminants were detected in two streams. In 2008 4-Methylphenol (antimicrobial agent) was detected in Schel Chelb Creek sediments, but at a level barely above detection limits. It was not detected in the 2013 sample. Dibutyl Phthalate was detected in the 2013 sample, but, again, barely above the detection limit.

Though not detected in the 2008 sample, Ravine Creek's 2013 sediment sample contained low levels of PAHs (Benzo(a)anthracene, Chrysene, Fluoranthene, Phenanthrene, and Pyrene) and Bis (2-Ethylhexyl) Phthalate. PAH's come from burning carbon-containing compounds. PAHs in air are produced by burning wood and fuel for homes. They are also contained in gasoline and diesel exhaust, soot, coke, and cigar and cigarette smoke. Foods that contain small amounts of PAHs include smoked, barbecued, or charcoal-broiled foods, roasted coffees, and sausages.

Due to its suitable properties and the low cost, Bis (2-Ethylhexyl) Phthalate (DEHP) is widely used as a plasticizer in manufacturing of articles made of PVC, particularly in medical supplies. Plastics may contain 1% to 40% DEHP. It is also used as a hydraulic fluid and as a dielectric fluid in capacitors. DEHP is also used as a solvent in glowsticks.

Significantly more contaminants were detected in marine nearshore sediments, especially PAH's. Eagle Harbor, Blakely Harbor, and Murden Cove had the highest number of detections, while Manzanita Bay, Fletcher Bay, Hidden Cove, and Pleasant Beach Cove had fewer detections. However, nearly all of the detected PAH's decreased in concentration or fell below detection limits between 2008 and 2013 in all of the nearshore areas sampled.

Similar to stream sediments, motor oil or lube oil was detected in all of the nearshore areas sampled. Additionally, gasoline range hydrocarbons were detected in the nearshore area adjacent to the monitored stormwater outfall (OFL169), though barely above the detection limit.

Also similar to stream sediments, plasticizers DEHP and/or BBzP were newly detected or detected at increasing concentrations in all 9 nearshore areas sampled in 2013.

Although none of the contaminants exceeded sediment criteria where such criteria exists, it is prudent to continue to monitor over time for either new occurrences of a contaminant or an increase in a contaminant level, indicating potential developing or ongoing contaminant input.

In-situ Physical Chemistry

Several Island *streams* and nearshore areas experience periodic excursions in pH, temperature, and dissolved oxygen. Excursions in pH are fairly rare. However, Hawley (East and West Forks), Murden, Schel Chelb, Manzanita, Springbrook, Issei, and Mac's Dam Creeks and Murden Cove suffer chronically low levels of dissolved oxygen. While most only exceed standards in the summertime, Murden and Schel Chelb Creeks exceed standards year-round.

Several *streams* that had historically maintained acceptable water temperatures year-round, have started to exceed temperature criteria during the summertime since 2012 with excursions occurring more frequently over time. These *streams* are Hawley (East and West Forks) Springbrook, Schel Chelb, Linqvist, Gazzam Lake, and Mac's Dam Creeks. Two nearshore areas (Eagle Harbor at Ravine Creek, and Murden Cove) frequently exceed temperature criteria as well.

Continuous temperature and dissolved oxygen sensors were deployed in three separate reaches of Murden Creek as part of the 2013-2015 Murden Cove *Watershed* Nutrient and Bacteria Reduction Project. Summertime daily maximum temperatures at all three locations exceeded the criteria with temperatures increasing and exceeding criteria more often in the downstream reach. Similarly, summertime daily minimum dissolved oxygen levels exceeded criteria at all three sites. However, upstream reaches only infrequently exceeded criteria during the summertime, while oxygen levels were significantly lower in the downstream reach and exceeded criteria year-round.

Despite observed improvements in some water quality parameters such as phosphorus and bacteria over the project period, in-stream chemistry stayed the same or worsened. This indicates that the impact is most likely habitat driven (lack of canopy cover, reduced or absent buffers, lower summertime stream flows) rather than an illicit discharge of polluted water.

These excursions in physical chemistry, especially temperature and dissolved oxygen, significantly impair these waters' ability to support aquatic life.

Flow and Land use Impacts on the Biological Community

Hydrology is perhaps the most fundamental driver of physical, chemical, and biological processes in streams and is often considered a "master variable" controlling geomorphology, substrate stability, faunal and floral habitat suitability, thermal regulation, metabolism, biogeochemical cycling, and the downstream flux of energy, matter, and biota [Power et al. 1988; Resh et al. 1988; Poff and Ward 1989; Poff 1996; Poff et al. 1997; Dodds et al. 2004](McDonough, Hosen and Palmer, 2011).

In 2015, the City contracted with King County Department of Natural Resources and Parks, Water and Land Resources Di*Vi*sion to conduct a stream benthos and hydrologic evaluation of the City's stream benthic macroinvertebrate data and continuous flow gauging data.

Flow data analysis showed that stream flows increase more quickly following rain events and generally have higher peaks than would be expected under forested conditions. These results were generally consistent with increasing levels of urbanization upstream of each gauge and consistent with other data collected in other Puget Sound *watersheds*.

The average Benthic Index of Biotic Integrity (B-IBI) scores spanning all years of data were very poor for Ravine Creek; poor for Issei, Murden, and Whiskey Creeks; and fair for Cooper, Manzanita, Springbrook, and Woodward Creeks. None of the eight sites investigated had average scores that showed good or excellent stream benthic communities, although two sites (Cooper and Springbrook) did have individual sampling years that had good scores. Again, these data were generally consistent with the level of development in the study *watersheds* and with data collected in other Puget Sound *watersheds*.

Five statistically significant upward or downward B-IBI component metric trends were identified at four creek sites. Two Murden Creek site metrics showed a worsening trend in species diversity and percentage of pollution tolerant species versus intolerant species. Manzanita Creek showed an improving trend in species richness and both Cooper and Issei Creek showed an improving trend in percentage of pollution intolerant species versus tolerant species.

King County also examined three additional benthic macroinvertebrate diagnostic metrics for organic pollution (i.e., animal waste including human waste), fine sediment, and metals. The Fine Sediment Sensitivity Index was generally lower at all Bainbridge sites relative to reference sites, suggesting that fine sediment inputs may be a factor in benthic impairment in these *streams*. If confirmed through evaluation of sediment conditions at these sites, the cause is unlikely related exclusively to development as some of the stream basins are relatively undeveloped. It is possible that at least in some instances, past *land use* (e.g., historical logging and *farming* activities) is a factor in causing excess sediment to be (or to have been) delivered to these *streams*. Any development within these basins may also be a contributing factor as well; potentially delivering fine sediment through construction and land clearing activities and through stream bank erosion resulting from increased peak flows.

All three diagnostic metrics and the flashiness hydrologic metrics indicate that Ravine Creek is suffering from multiple stressors that potentially include organic and metal pollution, geomorphic alteration, and flashier flows, all typical of an urban stream.

There was only one statistically significant upward or downward trend in these three additional metrics – an improving trend in metals-intolerant species in Issei Creek.

Habitat

As stated above in *City Surface Water Quality Assessment*, limited resources prevent the City’s monitoring program from actively monitoring for freshwater and marine water habitat assessment aside from limited sediment sampling in select stream and adjacent nearshore areas (addressed above in Water and Sediment). Most of what we know about our nearshore marine habitat and freshwater habitat is based upon work by non-profit entities such as the Bainbridge Island Land Trust, the Puget Sound Restoration Fund and the Bainbridge Island *Watershed* Council and outside agencies such as Washington State Department of Fish and Wildlife (WDFW), Washington State Department of Natural Resources (DNR), Ecology, Wild Fish Conservancy, and the Suquamish Tribe. Limited *land use/land cover* information is available through aerial photography and light detection and radar (*LIDAR*) technology, as well.

Land cover

Bainbridge Island encompasses an area of 17,471 acres, or approximately 28 square miles. The primary land cover is tree-cover at 73%, or 12,760 acres. Grass/scrub lands, developed areas with *impervious surfaces* and other coverages comprise 15%, 11% and 1%, respectively, with combined coverage of 4,712 acres (Table 1 next page).

Land use type does not vary widely by any great degree across the island due to a low percentage of industrial or commercial land development and the lack of available or developed *farm/range* land. The island’s *land use* is consequently dominated by *residential uses* (75%). Other *land uses* such as recreation land (7%), agricultural (6%), transportation corridors (6%), commercial/light manufacturing (2%), *forest land-use* (2%) and public facilities (2%), make up the remainder of the *land use* as a percentage of the total acreage on the island. With a total overall population of 23,630 the greatest population *density* occurs at the towns of Winslow, Island Center, Lynwood Center and around the coastline of the island. Outside of urbanized areas, the Island is generally characterized by scattered, small communities, homes on acreage, and large parcels of undeveloped land.

Stream type

In 2014, the Wild Fish Conservancy (WFC) completed stream typing for Bainbridge Island as part of the [West Sound Watersheds, Kitsap Peninsula \(WRIA 15\) Stream Typing Project](#).

WFC’s website states, “Water typing is the state-sanctioned process of mapping the distribution of fish and fish habitat. Regulatory water type maps are used to regulate *land use* decisions adjacent to *streams*, ponds, and *wetlands*. Because existing (modeled) regulatory maps often significantly misrepresent the presence, location,

and extent of fish habitat, the effectiveness of state and local government fish habitat protection regulations is compromised. More information about the water typing process and its significance is available at: <http://wildfishconservancy.org/resources/maps/what-is-water-typing>.”

WFC classified fish and fish habitat in Island *streams* and ground-truthed regulatory maps of stream presence and location, identifying an additional 25 previously unknown/unmapped miles of stream with 698 acres of previously unprotected habitat buffer on Bainbridge Island. The City is currently using WFC’s updated stream data.

Figure 6. City of Bainbridge Island Watershed Land Cover Statistics

<u>Watershed Name /Code</u>	<u>Watershed Area (Acres)</u>	<u>Watershed Size Ranking</u>	<u>Breakdown of Total Watershed Landcover (% of Total Area)</u>								
			<u>Forest</u>	<u>Wetlands</u>	<u>Natural</u>	<u>Grass & Turf</u>	<u>Bare Ground</u>	<u>% Total Impervious Area</u>	<u>Developed</u>	<u>Surface Water</u>	<u>Other</u>
<u>Agate Passage / AGPS</u>	<u>599.96</u>	<u>12</u>	<u>79.52</u>	<u>2.75</u>	<u>82.28</u>	<u>4.25</u>	<u>3.08</u>	<u>9.17</u>	<u>16.51</u>	<u>0.17</u>	<u>1.04</u>
<u>Blakely Harbor / BLKH</u>	<u>1,369.73</u>	<u>7</u>	<u>87.04</u>	<u>1.08</u>	<u>88.13</u>	<u>2.25</u>	<u>3.62</u>	<u>5.75</u>	<u>11.62</u>	<u>0.22</u>	<u>0.04</u>
<u>Eagledale / EGDL</u>	<u>1,094.12</u>	<u>9</u>	<u>65.10</u>	<u>2.95</u>	<u>68.04</u>	<u>8.83</u>	<u>4.36</u>	<u>18.45</u>	<u>31.63</u>	<u>0.33</u>	<u>0.00</u>
<u>Fletcher Bay / FLBY</u>	<u>2,114.01</u>	<u>3</u>	<u>75.83</u>	<u>1.09</u>	<u>76.92</u>	<u>8.60</u>	<u>6.04</u>	<u>7.89</u>	<u>22.52</u>	<u>0.56</u>	<u>0.00</u>
<u>Gazzam Lake / GZLK</u>	<u>886.45</u>	<u>10</u>	<u>83.96</u>	<u>0.79</u>	<u>84.74</u>	<u>3.96</u>	<u>1.86</u>	<u>7.82</u>	<u>13.64</u>	<u>1.62</u>	<u>0.00</u>
<u>Manzanita Bay / MZBY</u>	<u>2,296.34</u>	<u>1</u>	<u>72.25</u>	<u>1.92</u>	<u>74.18</u>	<u>9.76</u>	<u>6.76</u>	<u>8.85</u>	<u>25.37</u>	<u>0.46</u>	<u>0.00</u>
<u>Murden Cove / MDCV</u>	<u>2,046.36</u>	<u>4</u>	<u>73.65</u>	<u>2.34</u>	<u>75.99</u>	<u>7.65</u>	<u>6.46</u>	<u>9.48</u>	<u>23.58</u>	<u>0.43</u>	<u>0.00</u>
<u>North Eagle Harbor / NEGH</u>	<u>2,184.91</u>	<u>2</u>	<u>50.64</u>	<u>2.46</u>	<u>53.11</u>	<u>8.30</u>	<u>10.57</u>	<u>26.95</u>	<u>45.82</u>	<u>0.44</u>	<u>0.63</u>
<u>Pleasant Beach / PLBH</u>	<u>1,437.63</u>	<u>5</u>	<u>70.66</u>	<u>3.00</u>	<u>73.66</u>	<u>6.01</u>	<u>6.64</u>	<u>13.56</u>	<u>26.21</u>	<u>0.13</u>	<u>0.00</u>
<u>Port Madison / PTMD</u>	<u>1,388.31</u>	<u>6</u>	<u>81.85</u>	<u>1.18</u>	<u>83.03</u>	<u>6.26</u>	<u>3.75</u>	<u>6.36</u>	<u>16.37</u>	<u>0.30</u>	<u>0.31</u>
<u>South Beach / SHBH</u>	<u>711.89</u>	<u>11</u>	<u>76.59</u>	<u>1.20</u>	<u>77.79</u>	<u>4.16</u>	<u>10.88</u>	<u>6.54</u>	<u>21.58</u>	<u>0.63</u>	<u>0.00</u>
<u>Sunrise / SNRS</u>	<u>1,342.24</u>	<u>8</u>	<u>79.08</u>	<u>1.92</u>	<u>81.00</u>	<u>4.49</u>	<u>6.41</u>	<u>7.97</u>	<u>18.87</u>	<u>0.13</u>	<u>0.00</u>
<u>TOTAL ACREAGE</u>	<u>17,471.95</u>	<u>-</u>	<u>12,760.44</u>	<u>333.49</u>	<u>13,093.92</u>	<u>1,194.76</u>	<u>1,089.27</u>	<u>1,994.28</u>	<u>4,278.31</u>	<u>74.84</u>	<u>24.88</u>

Notes:

** Statistical sources include: Battelle GIS database, CoBI GIS data, and CoBI Level II Assessment (Kato & Warren, 2000)

(Water Quality and Flow Monitoring Program – Final Monitoring Plan, COBI, 2008)

Fish Passage Barrier Inventory

In 2014 the Washington Department of Fish and Wildlife (WDFW) completed fish passage assessments on Bainbridge Island *streams*. As part of this assessment, WDFW identified 43 total passage barriers (40 road crossings and 3 dams) and 45 partial passage barriers (43 road crossings, 1 dam, and 1 miscellaneous) (see Figure 7).

Figure 7. WDFW Fish Passage Barrier Inventory



(<http://wdfw.maps.arcgis.com/home/webmap/viewer.htm>)

WATER RESOURCES ELEMENT IMPLEMENTATION

To implement the goals and policies in this Element, the City must take a number of actions, including adopting or amending regulations, creating outreach and educational programs, and staffing or other budgetary decisions. Listed following each action are several of the comprehensive plans policies that support that action.

HIGH PRIORITY ACTIONS:

Action #1. Adopt aquifer conservation zoning regulations and innovative permit review processes designed to protect the Island's surface and ground waters.

Policy WR 1.4

Apply the policies in this Element in tandem with the protection measures set by the City's Shoreline Master Program, Critical Areas Ordinance, and any other environmental or water resources management ordinance adopted by the City.

Policy WR 2.1

Recognize that the entire Island functions as an *aquifer recharge area*. *Low impact development techniques* are essential for maintaining aquifer recharge.

Policy WR 2.9

Recognizing that the Island *aquifer* system is a *Sole Source Aquifer* as designated by EPA, institute an added level of development and re-development permit review to prevent or mitigate potential pollutant-generating activities associated with proposed *land use*.

Policy WR 4.7

Develop and actively enforce a strong Low Impact Development (LID) ordinance to require any and all methods and practices for new development and redevelopment to the maximum extent practicable and reasonable.

Policy LU 12.4

Protect aquifer recharge functions throughout the Island, all of which is an *aquifer recharge area*, through the application of *critical areas regulations*, Shoreline Master Program use regulations, *low impact development regulations*, and the *wellhead protection regulations* administered by the Kitsap Health District.

Policy LU 4.9

. . . The City will use a variety of conservation tools, including public acquisition of certain properties, regulatory protection of environmentally *critical areas*, and innovative *tools* such as aquifer conservation zoning and *conservation villages* to minimize the development footprint within these Conservation Areas.

1
2 **Action #2. Adopt an Island-wide Groundwater Management Plan.**

3
4 **Policy WR 2.7**

5 Establish a stakeholder group to develop an Island-wide groundwater
6 management plan.

7
8 **Policy LU 2.3**

9 This Plan recognizes that stewardship of the land is a responsibility of individual
10 citizens and the community as a whole. Through its status as an employer and
11 landowner, the City should take advantage of its opportunities to be an example
12 of environmental stewardship so others will be encouraged to do so.

13
14 **Policy LU 12.5**

15 Establish appropriate procedures to monitor the effect of water drawdowns within
16 and between aquifers, and adopt programs and regulations to preclude
17 groundwater contamination, and to encourage water conservation and enhanced
18 aquifer recharge.

19
20 **Action #3. Apply adaptive management to assure that land use on the**
21 **Island will continue to be adequately served by the available water**
22 **resources.**

23 **Policy WR 3.16**

24 Maintain a comprehensive program of surface water inventory, data gathering
25 and analysis. The program shall include monitoring and assessment of physical,
26 chemical, and biological health of surface water ecosystems to include streams,
27 ephemeral streams, lakes, wetlands, and marine waters. This may include
28 water, flow, sediment, habitat, submerged aquatic vegetation, fish and shellfish
29 tissue, aquatic species diversity and other ecosystem health indicators.

30 **Policy WR 4.12**

31 Conduct effectiveness monitoring and assessments to continue to adaptively
32 manage stormwater to ensure optimal protection.

33 **Policy WR 6.1**

34 Assemble and maintain an inventory of contaminated sites on the Island to track
35 site location, contaminant(s) of concern, cleanup status, and potential to impact
36 nearby surface or groundwater.

37
38 **Policy LU 4.4**

39 The special planning area process for each designated center shall be informed
40 by surface water and aquifer data in the respective watersheds and appropriate
41 revision made to limit permitted uses or require specific measures to protect the
42 water resource.

1 **MEDIUM PRIORITY ACTIONS:**

2
3 **Action #1. Launch a program of public education about how individual**
4 **actions can help protect the quality and quantity of the Island's surface and**
5 **groundwaters.**

6
7 **Policy WR 2.11**

8 **Develop a water conservation program.**

9
10 **Policy WR 2.13**

11 **Develop a program that encourages homeowners to explore innovative methods**
12 **for recapturing and reusing surface water runoff and grey water, as approved by**
13 **the Washington State Department of Health and the Kitsap Public Health District.**

14
15 **Policy WR 3.17**

16 **Support a community-wide program to educate Island residents about**
17 **alternatives to using and disposing of herbicides, pesticides, and other**
18 **household chemicals, to reduce impacts to marine shoreline areas, wetlands,**
19 **streams, and other environmentally sensitive areas.**

20
21 **Policy WR 3.18**

22 **Promote and support volunteer or community-driven restoration projects.**

23
24 **Policy WR 7.12**

25 **Provide and promote opportunities for citizen stewardship and involvement.**

26
27 **Policy LU 2.2**

28 **A public education program should be established to foster the community's**
29 **understanding of the natural systems on the Island and their carrying capacity.**

30
31 **OTHER PRIORITY ACTIONS:**

32
33 **Action #1. Work with other jurisdictions and the environmental and**
34 **development communities to promote programs and projects to protect the**
35 **Island's surface and ground waters.**

36
37 **Policy WR 2.5**

38 **The City, in cooperation with the appropriate regulatory agencies (e.g.,**
39 **Washington State Department of Health and the Kitsap Public Health District) will**
40 **institute new wellhead protection measures.**

41
42 **Policy 3.10**

43 **Work with state and local health departments to evaluate the merits of new**
44 **technologies such as greywater capture, package treatment plants and**
45 **composting toilets, as alternatives to septic and sewer systems; and determine**

1 which of those systems should be allowed and/or encouraged to better protect
2 the quality and capacity of the Island's surface water and near-shore
3 environment.

4
5
6
7
8

Policy LU 2.5

Work with EcoAdapt and others to prepare a Bainbridge Island Climate Change
and Water Conservation Plan strategy.



CITY OF
BAINBRIDGE ISLAND

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

MEMORANDUM

Date: June 23, 2016
To: Planning Commission
From: Christy Carr, AICP
Senior Planner
Cc: Gary R. Christensen, AICP
Director
Subject: SMP Limited Amendment – General

The City is pursuing a limited amendment to the Shoreline Master Program (SMP) as first introduced to the Planning Commission on February 25, 2016. Tonight's study session will focus on the following items:

- Schedule update
- Reminder of SMP limited amendment approval criteria
- Need for change
 - Overview of GMHB findings
 - Staff implementation issues
- Examples of implementation issues from SMP Section 4.1.3 – Vegetation Management

Proposed revisions to SMP Section 4.1.2 and 4.1.3 are attached for your review. This is the first draft of revisions. The goal of the revisions is to: **(1) change language to make the intent of the SMP clear, and (2) fix errors that make the SMP difficult to implement.** Subsequent drafts will continue to refine language to meet this goal – changing policies and/or regulations will not be considered as part of the limited amendment.

It is anticipated that revisions to SMP Section 4.1.3 will be discussed in depth at the July 14, 2016 Planning Commission meeting. Tonight's meeting is intended to provide broader context for the changes and provide examples. A consistency analysis of all SMP sections will be conducted in September.

Planning Commission Action: The Commission should ask questions of staff about the information presented. The Commission should provide input to staff on the proposed revisions.

ATTACHMENTS

Proposed SMP Revisions (Section 4.1.2 and 4.1.3) – March 24, 2016

Key to changes:

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Proposed SMP Revisions – March 24, 2016

4.1.2 Environmental Impact Mitigation

4.1.2.1 Applicability

All proposed shoreline development, uses and activities require an analysis of environmental impacts of the proposal and shall include measures to mitigate environmental impacts not otherwise avoided or mitigated by compliance with this Program and other applicable regulations. The analysis of such environmental impacts shall be conducted consistent with the preferred mitigation sequence listed in WAC 173-26-201(2)(e).

In approving new shoreline development, uses and activities the City shall ensure that shoreline development, uses and activities will result in no net loss of ecological functions and ecosystem-wide processes necessary to sustain shoreline resources, including loss that may result from the cumulative impacts of similar developments over time consistent with constitutional and statutory limitations on the regulation of private property. To this end, the City may require modifications to the site plan and/or adjustments to proposed project dimensions, intensity of use, and screening, as deemed appropriate. If impacts cannot be avoided through design modifications, the City shall require compensatory mitigation commensurate with the project's adverse impacts.

4.1.2.2 Goal

Minimize environmental impacts of shoreline development, uses and activities during all phases of development (e.g. design, construction, and management).

4.1.2.3 Policies

1. Ensure all shoreline development, uses and activities are designed and located in a manner that prevents or mitigates adverse impacts to shoreline ecological functions and ecosystem-wide processes, including the use of the mitigation sequence (avoid, minimize, rectify, reduce, compensate); and make available flexible alternatives to accommodate preferred shoreline uses.
2. Ensure, through appropriate monitoring and enforcement measures that all required conditions are met, and improvements are installed and properly maintained.
3. Promote shoreline uses and activities within critical areas which do not cause significant adverse impacts to ecological functions and ecosystem-wide processes, such as public access on publicly owned lands.
4. In assessing the potential for new uses, activities and developments to cause adverse impacts, take into account all of the following:
 - a. Effects on ecological functions and ecosystem-wide processes, including temporal loss of functions; and

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- b. Effects that occur on-site and effects that may occur off-site; and
 - c. Direct and indirect effects and long-term effects of the project; and
 - d. Effects of the project and the incremental or cumulative effects resulting from the project added to other past, present, and reasonably foreseeable future actions; and
 - e. Compensatory mitigation actions that offset adverse impacts of the development action and/or use.
5. To provide for comprehensive management strategies for shoreline areas, integrate planning and regulatory measures, such as those within the comprehensive plan, regional watershed plans, or state and federal regulations.

4.1.2.4 Regulations-Impact Analysis and No Net Loss Standard

1. All shoreline development, uses and activities, including preferred uses, and uses that are exempt from a shoreline substantial permit, shall be located, designed, constructed, and maintained in a manner that protects ecological functions and ecosystem-wide processes. All proposed shoreline development, uses and activities shall:
- a. Utilize the required mitigation sequence of Section 4.1.2.5, Regulations – Mitigation; and
 - b. Utilize effective erosion and scour control methods during project construction and operation; and
 - c. Minimize adverse impacts to critical salt water habitat, fish and wildlife conservation areas, and/or other ecological functions and ecosystem-wide processes, such as those provided by shoreline vegetation; and
 - d. Minimize interference with beneficial natural shoreline processes, such as water circulation, sand and gravel transport movement, erosion, and accretion; and
 - e. Avoid hazards to public health and safety; and
 - f. Minimize the need for shoreline stabilization measures and flood protection in the future; and may require a geotechnical analysis to ensure that the proposed activity meets this regulation (See Section 6.2, Shoreline Stabilization); and
 - g. Result in no net loss of ecological functions and processes necessary to sustain shoreline resources, including loss that may result from the cumulative impacts of similar developments over time.
2. In reviewing and approving shoreline development, uses or activity, regardless of whether a permit is required the following shall apply:
- a. The Administrator shall condition the shoreline development, use, and/or activities such that it will:
 - i. Meet provisions in subsection 1 above; and
 - ii. Employ measures to mitigate adverse impacts on shoreline functions and processes, if necessary; and

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- iii. Modify the site plan and/or adjust the project dimensions, intensity of use, or screening as deemed appropriate to address impacts. If impacts cannot be avoided through design modification, the Administrator shall require compensatory mitigation, pursuant to regulations in Sections 4.1.2.5, Regulations – Mitigation and 4.1.3, Vegetation Management.
 - b. If a proposed shoreline development, use or activity is determined by the Administrator to result in significant short-term, long-term, or cumulative adverse environmental impacts lacking appropriate compensatory mitigation, it shall be sufficient reason for the Administrator to deny a permit.
3. An applicant for any shoreline development, use or activity must demonstrate compliance with the no net loss provisions pursuant to subsection 1 and 2 above, as follows:
- a. Demonstrate use of applicable mitigation measures in the Single Family Residence Shoreline Mitigation Manual provided in the City’s Administrative Manual. Proposed mitigation measures and the manual’s “Checklists for Mitigation Approval” must be included in the application; or
 - b. If the project site or proposal does not qualify for use of the Single Family Residence Shoreline Mitigation Manual, submit a site-specific impact analysis in accordance with the guidance provided in the City’s Administrative Manual. A mitigation plan must be included when determined to be necessary as a result of the analysis.

Note: Old Section 4.1.2.5 Regulations – Revegetation Standards moved to various locations in Section 4.1.3. Existing language from Section 4.1.2.5 is noted in Section 4.1.3. Language not related to environmental impacts mitigation was relocated.

4.1.2.5 Regulations – Mitigation

1. To ensure the no net loss standard is met, any adverse impacts must be mitigated in accordance with mitigation sequencing pursuant to WAC 173-26-201(2)(e):
 - a. Avoiding the impact altogether by not taking a certain action or parts of an action;
 - b. Minimizing impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts;
 - c. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
 - d. Reducing or eliminating the impact over time by preservation and maintenance operations;
 - e. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and

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- f. Monitoring the impact and the compensation projects and taking appropriate corrective measures.
2. Unless the Single Family Residence Shoreline Mitigation Manual is being used, mitigation sequencing must be documented in a site-specific impact analysis. If mitigation is necessary as a result of the site-specific impact analysis, a mitigation plan meeting the applicable provisions in Appendix B-6, including a periodic monitoring program, is required.
3. When compensatory mitigation is necessary to offset impacts, mitigation measures in the immediate vicinity of the impact shall be the preferred mitigation option. Property owners may be required to perform the balance of compensatory mitigation off-site if the property cannot support required mitigation or when off-site mitigation can be demonstrated to the satisfaction of the Administrator to be more beneficial to shoreline ecological functions and processes. For example, off-site mitigation may be the better choice if large, cohesive areas are available off-site while only small fragmented areas are available on-site for mitigation. Mitigation shall be located and designed in the following order of priority, except for the Point Monroe District, which shall meet special provisions in subsection 3.
 - a. Within Zone 1, plant vegetation to obtain a minimum of 65% native vegetation canopy coverage;
 - b. In Zone 2, plant to increase canopy coverage, in a manner that promotes contiguous native vegetation or in areas nearest the shoreline;
 - c. In the Shoreline Buffer, plant in a manner that promotes a contiguous native vegetated corridor that connects to the shoreline;
 - d. Outside of the Shoreline Buffer, plant in a manner that promotes a contiguous native vegetated corridor to the shoreline;
 - e. Outside of the Shoreline Buffer; or
 - f. At an off-site location approved by the Administrator, within the Shoreline Buffer or Site Specific Vegetation Management Area, plant to meet the standard of subsections a through c.
3. Special Mitigation Provisions for Point Monroe District. When vegetation mitigation is required for new development, uses, or activities in the Point Monroe District, the mitigation plan shall include new vegetation communities appropriate for dune, sand spit, barrier beach, barrier estuary, or barrier lagoon, including salt marsh that shall be installed within the spit-specific vegetation management area (SVMA) as defined in Section 4.1.3.5(9), thirty (30) foot setback between the OHWM and the primary structure, or where area is available on the site.
4. When compensatory mitigation measures are required, all of the following shall apply:
 - a. The quality and quantity of the replaced, enhanced, or substituted resources shall be the same or better than the affected resources; and
 - b. Unless the Single-Family Residence Shoreline Mitigation Manual is being used, the required mitigation plan shall be informed by pertinent scientific and

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technical studies, including but not limited to the Shoreline Inventory and Characterization Report, the Shoreline Restoration Plan and other background studies prepared in support of this Program; and

c. All mitigation activities shall be monitored and maintained to ensure that they achieve their intended functions and values, pursuant to Section 4.1.2.7, Mitigation Monitoring and Maintenance; and

d. Mitigation actions shall not have a significant adverse impact on other preferred shoreline uses promoted by the policies of the Shoreline Management Act; and

e. Any new plantings shall be in proportion to the identified impact and may be protective of views from the primary structure of the subject property.

5. For vegetation mitigation in the Shoreline Buffer or Site-specific Vegetation Management Area, all new plantings shall meet the provisions in Section 4.1.3.10.2, except for the Point Monroe District which shall meet special provisions in subsection 3.

6. Where feasible, mitigation should be required prior to impact and prior to final inspection and approval of building occupancy and shall replace the functions as quickly as possible following the impact.

7. To encourage shoreline property owners to remove bulkheads and perform other beneficial shoreline restoration actions in advance of shoreline development or redevelopment, the City may give mitigation credit to any beneficial restoration action that occurred within 10 years of the proposed development/redevelopment activity provided that:

a. The applicant/property owner declares the intent of the restoration or enhancement project as mitigation credit at the time of the restoration permit application; and

b. The City can confirm via site inspection, photographs, or other evidence that the restoration actions have improved shoreline conditions.

8. When mitigation is required for shoreline stabilization projects due to site disturbance, the required planting plan shall also include the following, unless an alternative planting plan is approved by the Administrator:

a. Replant 75 percent of the shoreline area located along the upland edge of the shoreline stabilization structure to a minimum depth of ten (10) feet, unless demonstrated to be infeasible to the Administrator;

i. The depth may be reduced to five (5) feet to allow for landscape design variation, provided that the total square footage of the area planted equals the required 75% of the shoreline;

b. Planting plans shall meet provisions in 4.1.3.10.2 and shade bearing plants shall be provided at suitable-fish spawning sites; and

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- c. Include plantings equivalent to one tree per ever 20 linear feet of shoreline and one shrub per ever five linear feet, which may be planted with due consideration of views from the primary structure of the subject property.

4.1.2.6 Regulations – Mitigation Surety

1. When mitigation is required, the applicant/property owner shall provide a notice on title, conservation easement, or similar mechanism as approved by the City Attorney and recorded with the County Auditor, that the mitigation area (including off-site mitigation) will be maintained in perpetuity.
2. When mitigation is required, except for projects undertaken by public entities, performance and/or maintenance bonds or other surety shall be required by the City to assure that work is completed, monitored, and maintained. The bond/surety shall be refunded to the depositor upon completion of the mitigation activity and any required monitoring.

4.1.2.7 Regulations – Mitigation Monitoring and Maintenance

1. When mitigation is required as demonstrated either by a site-specific impact analysis or use of the Single-Family Shoreline Residence Mitigation Manual, a periodic monitoring program is required to ensure that proposed mitigation actions achieve their intended functions and values.
2. Monitoring programs shall meet the requirements established in Monitoring Requirements, Appendix B, B-6(C)(2)(e).
3. To ensure the success of the required mitigation, monitoring shall occur for a minimum duration of (5) five years from the date of the completed development. The duration of monitoring may be extended if the project performance standards set forth in the approved mitigation plan fail to be accomplished, or, due to project complexity, the approved mitigation plan requires a longer period of monitoring.
4. Monitoring programs may be forwarded for review and comment to state and/or federal resource agencies and affected tribes with jurisdiction.
5. The monitoring program may also require that periodic maintenance measures be included as recommended by a qualified professional to ensure the mitigation site and associated vegetative planting is nurtured and maintained such that healthy native plant communities can grow and mature over time.
6. Monitoring programs for all new and replacement shoreline stabilization projects shall include:
 - a. An annual site visit by a qualified professional for each of the five (5) years to assess the effectiveness of the mitigation; and
 - b. A progress report submitted to the Administrator annually, which includes any monitoring or maintenance recommendations of the qualified professional.

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4.1.3 Vegetation Management

4.1.3.1 Applicability

The intent of vegetation management provisions is to protect and restore the ecological functions and ecosystem-wide processes performed by vegetation along shorelines and to protect human safety and property, increase the stability of marine bluffs, reduce the need for structural shoreline stabilization measures, improve the visual and aesthetic qualities of the shoreline, protect plant and animal species and their habitats, and to enhance shoreline uses.

The vegetation management provisions apply to all new shoreline development, uses and activities, including those that do not require a shoreline permit. Similar to other provisions of this Program, vegetation standards do not apply retroactively to existing uses and structures. Standards for vegetation management provisions are established using current scientific and technical information pursuant to WAC 173-26-221(5)(b) and 173-26-201(2)(a), and are based on the use category, shoreline characterization and the designation. Standards are provided in Section 4.0, and Tables 4-2 and 4-3.

4.1.3.2 Goal

Protect and restore shoreline vegetation to maintain and enhance ecological functions and processes, shoreline views and vistas, human safety, and personal property.

4.1.3.3 Policies

1. Maintain existing shoreline vegetation to protect ecological functions and/or processes from adverse impacts of uses, activities and developments within the shoreline jurisdiction.
2. Emphasize the use of native vegetation species to maintain the ecological functions and/or processes and mitigate the direct, indirect, and/or cumulative impacts of shoreline development, uses and activities.
3. Provide flexible dimensional standards for buffers and setbacks that are based on performance standards designed to protect ecological functions and ecosystem-wide processes, including considering alternatives to planting native vegetation species if it can be demonstrated that the equivalent ecological functions can be provided.
4. Use monitoring programs to ensure the protection of shoreline ecological functions and ecosystem-wide processes, particularly when non-native vegetation species are used as an alternative to native vegetation.
5. Encourage the restoration or enhancement of shoreline vegetation through incentive programs.
6. Establish buffers immediately upland of OHWM for each shoreline designation, recognizing the pattern of development, shoreline ecological functions and ecosystem-wide processes, and using current science and technical information, as described in WAC 173-26-201(2)(a). In establishing buffers, consideration should be given to the land use

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patterns to minimize the number of existing structures that would not conform to buffer dimensional standards.

7. At the time of a proposal, allow site-specific dimensional standards for vegetation management areas for shoreline development, use or activity. Dimensional standards must protect shoreline ecological functions and ecosystem-wide processes.
8. Implement a public education program emphasizing the importance of shoreline vegetation management.
9. Allow selective vegetation clearing for views for new development and to maintain views from existing residences when slope stability and ecological functions and ecosystem-wide processes are not compromised. Trimming and pruning are generally preferred over removal of native shoreline vegetation.
10. Develop specific regulations for Point Monroe, based on vegetation and management practices appropriate for dune communities, sand spits, barrier beaches, barrier estuaries or barrier lagoons.

4.1.3.4 Regulations – Exceptions

1. Vegetation management standards shall not apply retroactively to existing lawfully established conforming and nonconforming uses and developments, including maintenance of existing residential landscaping. Property owners are strongly encouraged to voluntarily improve shoreline vegetation conditions over the long term.
2. Existing buffers and setbacks that have been established through previously approved subdivisions and indicated on the face of an approved plat shall be recognized and adhered to.
3. The following shall be exempt from the provisions of Section 4.1.3.
 - a. Removal of noxious or invasive plants, provided:
 - i. Noxious weed removal is based on consultation with the Kitsap County Noxious Weed Board or the species being removed are on the Washington State Noxious Weed List (WAC 16-750, or its successor);
 - ii. The vegetation removal is conducted in a manner consistent with best management practices (BMP); and
 - iii. Any bare ground over 200 square feet is replanted in accordance with a list of proposed native plants and their spacing and size approved by the City prior to noxious or invasive plant removal.
 - b. Removal of hazard trees, as defined in Appendix B, where a report by an arborist or other qualified professional demonstrates to the satisfaction of the Administrator that trimming is not sufficient to address the hazard provided:
 - i. When possible, require that the hazard tree be topped for safety and remain as a wildlife snag;
 - ii. Replanting is provided to ensure the no net loss standard is met pursuant to Section 4.1.2.4;

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- iii. When a hazard tree is located in a geologically hazardous area, the applicant shall submit a geotechnical engineering report providing a geotechnical analysis of slope stability and addressing vegetation management for slope stability and ecological functions and processes for a ten year period. Replanting shall be provided to ensure the no net loss standard is met pursuant to Section 4.1.2.4. The hazard tree may be removed prior to the approval of the plan if it is necessary to protect life and property.
- c. Commercial forest practices and the removal of trees pursuant to a Forest Practices Permit (Class II, III and IV-S only) issued by the Washington State Department of Natural Resources under the Washington State Forest Practices Act (RCW 76.09), except where such activities are associated with a conversion to other uses or other forest practice activities over which local governments have authority. For the purposes of this Program, preparatory work associated with the conversion of land to non-forestry uses and/or developments shall not be considered a forest practice and shall be reviewed in accordance with the provisions for the proposed non-forestry use, the general provisions of this Program, including Appendix B, and shall be limited to the minimum necessary to accommodate an approved use.

4.1.3.5 Regulations – Existing Landscaping

1. Existing landscape areas are areas of living plants including trees, shrubs, flowers, herbs, groundcovers and fruits and vegetables for personal consumption. Existing landscape areas may be retained in their size and configuration existing prior to adoption of this Program.
2. Vegetation management standards do not apply to normal and routine maintenance, tending and cultivating of landscape areas and gardens.
3. Vegetation management standards do not apply to maintenance trimming or limbing of vegetation. Such maintenance is limited to the removal of branches or limbs that are less than three (3) inches in diameter and does not include tree topping. Dead plants may be removed for maintenance purposes.
4. Existing landscape areas may be altered provided that:
 - a. There is no change in the location, size at the ground level, and configuration; and
 - b. Any alteration is entirely inside the existing boundaries at ground level of the landscape area.
5. Any expansion of existing landscape areas will require that the modified area comply with the provisions of Section 4.1.3, Vegetation Management, and the intent of providing native vegetation to support shoreline ecological functions and processes.
6. Minor pruning, including thinning of lateral branches to enhance views, or trimming, shaping, thinning or pruning necessary for plant health and growth and which does not harm the plant, is allowed consistent with the following standards:

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- i. All pruning shall meet the American National Standard Institute (ANSI) tree pruning standards;
- ii. In no circumstance shall removal of more than one-fourth (1/4) of the original crown be permitted within a three year period;
- iii. Pruning shall not include topping, stripping of branches or creation of an imbalanced canopy; and
- iv. Pruning shall retain branches that overhang the water.

4.1.3.6 Regulations – General Standards

1. Development within the shoreline jurisdiction shall be located and designed to protect existing native vegetation from disturbance to the fullest extent possible, to mitigate impacts to existing vegetation, and to meet the standard of no net loss of ecological functions and processes, Section 4.1.2, Environmental Impacts.
2. Vegetation clearing or grading may not be undertaken within the shoreline jurisdiction without prior review and approval by the Administrator, unless allowed under Section 4.1.3.4, Regulations – Existing Landscaping and Section 4.1.3.5, Regulations – Exceptions. Clearing and grading may be subject to Section 4.1.4, Land Modification.
3. Vegetation replanting is required for all development, uses or activities within the 200-foot shoreline jurisdiction, whether a permit is required or not, that either:
 - a. Alters existing native vegetation; or
 - b. Alters any vegetation in a required Shoreline Buffer or Site-Specific Vegetation Management Area. Moved from Section 4.1.2.5
4. Vegetation replanting is required for invasive species removal in accordance with Section 4.1.3.4.3.a. Moved from Section 4.1.2.5
5. When vegetation replanting is required, the following information shall be submitted for approval prior to vegetation disturbance as part of a project proposal or clearing permit:
 - a. Residential, Industrial and Commercial Development.
 - i. Vegetation disturbance of 200 square feet or less requires submittal of an annotated list of proposed plants and their spacing specifications and location.
 - ii. Vegetation disturbance greater than 200 square feet requires a planting plan completed by a qualified professional or that applicant may use the Single Family Residence Shoreline Mitigation Manual.
 - b. Public Park and City Maintained Areas.
 - i. Vegetation disturbance of 2,500 square feet or less requires submittal of an annotated list of proposed plants and their spacing specifications and location.

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- ii. Vegetation disturbance greater than 2,500 square feet requires a planting plan completed by a qualified professional. Moved from Section 4.1.2.5
- 6. Significant tree removal shall only be permitted to allow for locating a single-family residence and normal appurtenances. The Administrator may require alterations of a site plan in order to retain significant trees. This may include adjustments to the location of building footprints, the location of driveways and access ways, or the location of walkways, easements or utilities.
- 7. Non-native vegetation removal outside the shoreline buffer or site-specific vegetation management area on a developed property not associated with new construction may be allowed with an approved clearing permit provided:
 - a. Vegetation removal does not exceed:
 - i. An area greater than 200 square feet within a three (3) year period; and
 - ii. More than 3 non-significant trees per 20,000 square feet up to a maximum of six (6) trees.
 - b. No significant trees are removed; and
 - c. Replanting is provided pursuant to Section 4.1.3.10.2; and
 - d. A Bluff Management Plan is provided pursuant to Section 4.1.5, Critical Areas for any vegetation alteration in a geologically hazardous area. See Section 4.3.5.8

4.1.3.7 Regulations – Establishment of Shoreline Buffer or Site-Specific Vegetation Management Area

- I. Two alternative methods may be used to meet the goals and policies of the Vegetation Management Section, as provided below, except the Point Monroe District shall meet the special provisions provided in subsection 2:
 - a. Alternative 1: A Shoreline Buffer shall be maintained immediately landward of the OHWM and managed according to provisions of this Program and shall meet the location and design standards of Section 4.1.3.8, Regulations – Shoreline Buffer – Location and Design Standard. See Section 4.1.3.3.b
 - b. Alternative 2: As an alternative to the Shoreline Buffer dimensions provided in subsection a, above, an applicant may propose specific dimensional standards for a Site-Specific Vegetation Management Area that meets the Vegetation Management goals, policies and applicable regulations as determined through a Habitat Management Plan prescribed in Appendix B, Section B-4, provided that the plan demonstrates the following:
 - A. The proposed development is for a residential use.
 - B. The site-specific proposal assures there is no net loss of the property's specific shoreline ecological functions and associated ecosystem-wide processes pursuant to Section 4.1.2, Impact Analysis and No Net Loss; and

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C. The site-specific proposal uses the scientific and technical information* compiled to support the Shoreline Buffer standards of Section 4.1.3.5(3)(b), and/or other appropriate technical information which, as determined by a qualified professional, demonstrates how the proposal protects ecological functions and processes and how it meets the goals and policies of this Section.

ii. The Habitat Management Plan shall be reviewed by the Administrator in accordance with provisions in Appendix B. The Administrator may approve, approve with conditions, or deny the request. The Administrator shall have the Habitat Management Plan reviewed by an independent third party, the cost of which will be borne by the applicant.

iii. If the Site-specific Vegetation Management Area is approved, prior to permit issuance, the applicant shall record with the County Auditor a notice on title, or other similar document subject to the approval of the Administrator.

*Footnote: Scientific and technical information supporting the Shoreline Buffer standards is provided in the following documents available at the City of Bainbridge Island's Department of Planning and Community Development: *Documentation of Marine Shoreline Buffer Recommendation Discussions*, Memorandum, 2011, Herrera Environmental; *Addendum to Summary of Science*, 2011, Herrera Environmental; *Bainbridge Island Current and Historic Coastal Geomorphic/Feeder Bluff Mapping*, 2010, Coastal Geologic Services, Inc.; *Best Available Science*, 2003, Battelle; *Bainbridge Island Nearshore Habitat Characterization and Assessment*, 2004 Battelle.

2. Special Provisions for Point Monroe District. Shoreline Buffers or Site-specific Vegetation management Areas are not required for properties located in the Point Monroe District; the following specific vegetation provisions shall apply:

- a. All properties in the Point Monroe District shall retain existing native vegetation and shall be subject to a Point Monroe vegetation management area (PVMA).
- b. The PVMA shall include areas that are:
 - i. Within thirty (30) feet of the OHWM and within the required side yard and the salt marsh fringe; and
 - ii. Outside any designated development area as approved pursuant to Section 5.9.6(2).
- c. The PVMA shall be managed and maintained in vegetation communities appropriate to dune, sand spit, barrier beach, barrier estuary, or barrier lagoon, including salt marsh.
- d. Developed properties shall retain existing native vegetation (including dune grass and salt marsh plant communities) in those areas that are not developed with legally established impervious surfaces.

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- e. Any new development or alterations and expansion of existing development shall assess impacts to existing vegetation and meet the no net loss standard pursuant to Section 4.1.2, Environmental Impacts.

4.1.3.8 Regulations – Shoreline Buffer – Location and Design Standard

1. The total depth of the Shoreline Buffer is based on the shoreline designation and the physical and most predominant geomorphic characteristics of the property. The depth of the Shoreline Buffer will be determined by the Administrator according to criteria below.
 - a. Property-specific physical and geomorphic characteristics of the particular lot will determine the maximum width (Category A) or minimum width (Category B) of the Shoreline Buffer, as follows:
 - i. Shoreline Buffer Category A: The property contains or abuts a spit/barrier/backshore, or marsh, or lagoon; or
The property contains or abuts a low bank and the existing native tree and shrub vegetation cover is at least 65% of the area of Shoreline Buffer Zone 1.
 - ii. Shoreline Buffer Category B: The property is shallow (200 feet in depth or less, as measured landward), or located on a high bluff, or does not meet any of the characteristics of Category A.
 - b. Shoreline Buffer standard depth in Table 4-3
 - c. As determined by the Administrator, buffers do not extend beyond an existing public paved street or an area which is determined by the Administrator to be functionally isolated from the shoreline or critical area. In these limited instances the no net loss of shoreline ecological function and processes still apply to properties within the shoreline jurisdiction.
2. The total area of the Shoreline Buffer shall be the equivalent of the length of the property along the shoreline, multiplied by the required buffer depth as prescribed for the specific shoreline designation in which the property is located. See Figure 4-1.
3. The Shoreline Buffer consists of two zones. The depth of each of the two zones within the Shoreline Buffer is determined as follows:
 - a. Zone 1 shall extend from the ordinary high water mark (OHWM) a minimum of 30 feet, or to the limit of existing native vegetation whichever is greater. The native vegetation limit is determined through a site-specific analysis of existing conditions, and in no case shall Zone 1 be greater than the depth of the Shoreline Buffer.
 - b. Zone 2 shall be established immediately landward of the Zone 1 and extend no further than the depth of the Shoreline Buffer.

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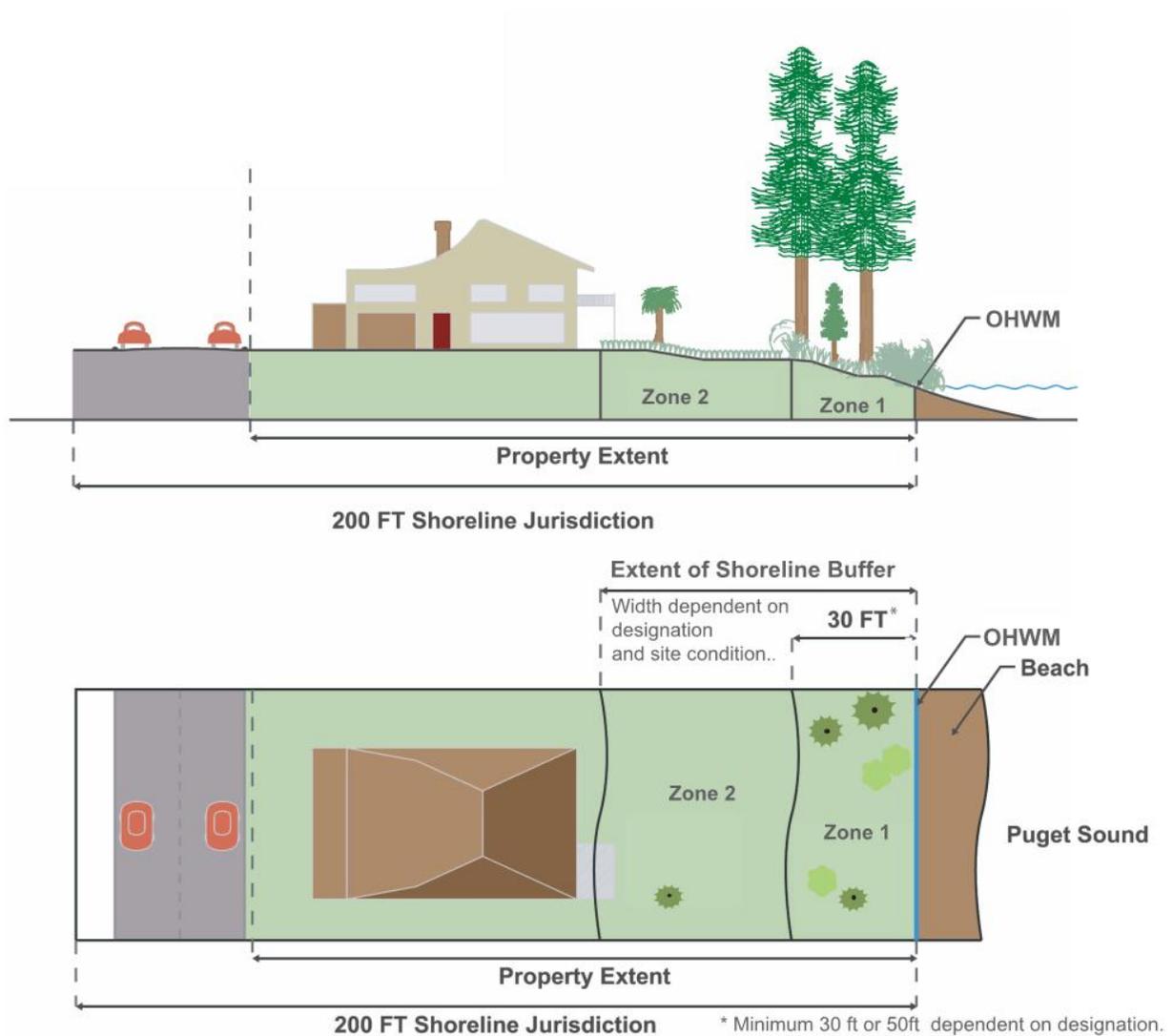


Figure 4-1 Dual Shoreline Buffer

4.1.3.9 Regulations – Shoreline Buffer Reductions

1. When the prescriptive buffer depth provided in Table 4-3 is reduced or dimensions altered through provisions of this Program, the applicant shall record a notice on title, or other similar document with the County Auditor prior to permit issuance, subject to the approval of the Administrator.
2. Any shoreline buffer reduction must be approved by the Administrator prior to any development, use or activity and must demonstrate compliance with the no net loss

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standard pursuant to Section 4.1.2.4 either through a site-specific impact analysis or use of the Single Family Residence Shoreline Mitigation Manual.

3. The total area of Zone 2 of the Shoreline Buffer may be reduced to accommodate shoreline views in accordance with Section 4.1.3.14 for a new single family primary residential structure or addition to a primary residential structure as follows:
 - a. There is an existing primary structure located within 100 feet of the property line of the subject property; and
 - b. Up to one-third (1/3) of the area of Zone 2 may be comprised of non-native vegetation and an approved primary structure. The remaining two-thirds (2/3) of Zone 2 must be established and/or maintained in native vegetation. If less than one-third (1/3) of the area of Zone 2 is reduced to accommodate views, the Administrator may reduce the required area of native vegetation to less than two-thirds (2/3); and
 - c. Significant trees are not removed to allow for the buffer reduction. See Section 4.1.3.6.4
4. If the prescriptive buffer depth for a single-family residential property pursuant to Table 4-3 is reduced in accordance with this section, Section 4.2.1, Nonconforming Uses, Non-Conforming Lots, and Existing Development, or a shoreline variance, the following shall occur in Zone 1:
 - a. Retain existing native vegetation; and
 - b. Plant the entire area of Zone 1 with native vegetation. Obtain 65% vegetation canopy coverage within 10 years. See Section 4.1.3.7.2.b
5. Zone 1 and Zone 2 of the Shoreline Buffer may be reduced in overall size to allow for those minor clearing, grading and construction activities permitted in Section 4.1.3.10 through Section 4.1.3.13. In no case may the area of Zone 2 be reduced over one-third (1/3) of its total area without a shoreline variance.

4.1.3.10 Regulations – General Vegetation Standards in Shoreline Buffers and Site-specific Vegetation Management Areas

1. The Shoreline Buffer or Site-specific Vegetation Management Area shall be maintained in a predominantly natural, undisturbed and vegetated condition. Unless specifically allowed by this program, the following standards shall apply:
 - a. All existing native groundcover, shrubs and significant trees located within the Shoreline Buffer or Site-specific Vegetation Management Area shall be retained;
 - b. New lawns are not permitted in Zone 1.
 - c. All activities shall be performed in compliance with the applicable standards contained in the Vegetation Management section, unless the applicant demonstrates that alternate measures or procedures are equal or superior in

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accomplishing the purpose and intent of the Vegetation Management Section, including no net loss of ecological functions and ecosystem-wide processes.

d. The use of pesticides are prohibited unless specifically allowed in Section 4.1.6, Water Quality and Stormwater Management.

e. Planted areas in which fertilizers might be applied shall be located as far landward of Zone 1 as feasible.

2. New vegetation planted in the Shoreline Buffer or Site-specific Vegetation Management Area, unless otherwise provided for in zone-specific requirements Section 4.1.3.9, shall be:

a. Native species using a native plant-community approach of multi-storied, diverse plant species that are native to the Central Puget Lowland marine riparian zone.

b. Other plant species may be approved that are similar to the associated native species in diversity, type, density, wildlife habitat value, water quality characteristics, and slope stabilizing qualities, excluding noxious/invasive species provided that, as submitted by a qualified professional, it is demonstrated to the satisfaction of the Administrator that the selected ornamental plants can serve the same ecological function as native plant species.

3. The following activities are allowed within the Shoreline Buffer and Site-specific Vegetation Management Area with an approved clearing permit. Such activities shall meet the standards of Section 4.1.4, Land Modification.

a. Vegetation Removal Related to Construction. Tree or vegetation removal within the Shoreline Buffer or Site-Specific Vegetation Management Area that is associated with new construction may be allowed, but must retain significant trees and shall meet the requirements of Section 4.1.2, Environmental Impacts, including replanting provisions.

b. Vegetation Removal Related to Public Facility Maintenance. Tree or vegetation removal within the Shoreline Buffer or Site-specific Vegetation Management Area that is associated with maintenance of existing public facilities (including: roads, paths, bicycle ways, trails, bridges, sewer infrastructure facilities, storm drainage facilities, fire hydrants, water meters, pumping stations, street furniture, potable water facilities, and other similar public infrastructure), may be approved by the Administrator if no significant trees are removed, the requirements of Section 4.1.2, Environmental Impacts are met, and the maintenance measures meet the goals and policies of Section 4.1.3, Vegetation Management. The following activities are exempt from this requirement:

i. Removal of vegetative obstructions required for sight distance and visual clearance at street intersections provided in the Public Works Design and Construction Standards and Specifications.

c. Underground Utilities. Utilities that run approximately perpendicular to the buffer (for example, a stormwater tightline to the water to protect a slope or a

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sewer line to a marina), may be allowed within the Shoreline Buffer or Site-specific Vegetation Management Area, provided that disturbance is minimized and the disturbed area is revegetated after construction; and

- d. Potable water wells provided that disturbance is minimized and the disturbed area is revegetated after construction. See Section 4.1.3.7.1.f

4. Stairways to the shoreline shall not exceed 300 square feet for private use, or the minimum necessary for public use, and are not included in the total square footage allocations prescribed in Section 4.1.3.11.

- a. Larger stairways serving a single-family residence may only be allowed through approval of a Shoreline Variance.

- b. As an alternative to a stairway larger than 300 square feet and to reduce environmental impacts, a tram may be allowed without a variance.

- c. Stairway design shall meet the following minimum criteria:

- i. International Codes for:

- A. Hand railings;

- B. Stairway width; and

- C. Tread depth.

- ii. Landings are required, unless demonstrated not to be necessary, and shall be determined by:

- A. Existing site topography;

- B. Personal safety; and

- C. Slope stability.

4.1.3.11 Vegetation Alteration Standards – Residential Development

Minor clearing, grading or construction may be allowed within the Shoreline Buffer or Site-specific Vegetation Management Area associated with a residential development with approval of the Administrator as follows:

- 1. One (1) hand installed pervious trail to the shoreline not more than four (4) feet in width, which may include hand installed steps, and shall be designed to minimize environmental impacts. No significant trees shall be removed. The trail may be wider when required for handicapped or public access. For single-family residential development, removal and/or maintenance of vegetation is allowed only within two (2) feet of either side of the trail.

- 3. Non-habitable structures appurtenant to a single-family use may be allowed consistent with the following standards, except that all structures are prohibited in Zone 1 when upland of a Priority Aquatic – Category A designation.

- a. For Site-specific Vegetation Management Areas, the total square footage of all buildings or structures must not exceed 300 square feet in area.

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- b. For Shoreline Buffer areas, the total square footage of all buildings or structures must not exceed 400 square feet or 10% of the Shoreline Buffer area, whichever is less.
- c. For Shoreline Buffer areas, only 10% of the total allowed square footage or 300 square feet, whichever is less, can be located in Zone 1, except when upland of Priority Aquatic B, the total allowable square footage is 5% of Zone 1 or 150 square feet, whichever is less.
- d. All structures must be designed to not significantly impact views from adjoining property primary buildings.
- e. All structures must meet the following standards:
 - i. Only water-related structures are allowed within 30 feet of the OHWM or in Zone 1, including a boathouse, permeable deck, boat storage, or staircase.
 - ii. Shall not exceed 12 feet in height above existing grade.
 - iii. Decks and/or patios shall be permeable and shall not exceed 30 inches in height above existing grade.

4. View Maintenance – Single-family Residential Only.

Shoreline residential use and development shall use all feasible techniques to maximize retention of existing native shoreline vegetation within the Shoreline Buffer and the Site-specific Vegetation Management Area.

- a. Limited removal of existing trees or vegetation located on the same property as a single-family residence may be allowed for maintenance of a pre-existing view from the primary structure, or to establish a view for a new primary structure provided the following are met:
 - i. The applicant demonstrates to the satisfaction of the Administrator that the vegetation removal is the minimum necessary to re-establish or establish a view of the water similar to that enjoyed by other residences in the area and that pruning methods are not sufficient to provide an adequate view of the water similar to that enjoyed by other residences in the area; and
 - ii. Existing significant native trees are not removed within the Shoreline Jurisdiction, unless exempt; and
 - iii. In no instance, including accounting for other approved alterations as provided in Section 4.1.3, shall vegetation removal exceed twenty (20) percent of the required Shoreline Buffer area or Site-specific Vegetation Management Area or reduce the vegetation canopy coverage to less than 65% in the Shoreline Buffer or Vegetation Management Area.
 - A. Vegetation removal occurring adjacent to the shoreline shall also be limited to fifteen (15) linear feet of the water frontage; and

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iv. The applicant shall obtain an approved Bluff Management Plan pursuant to Section 4.1.5, Critical Areas for any vegetation alteration in a geologically hazardous area. The cost and preparation of the plan is the responsibility of the applicant; and

v. All vegetation removal complies with other applicable requirements of this Program (such as clearing and grading, forest practices, and protection standards for fish and wildlife habitat), including the no net loss and/or revegetation standards in Section 4.1.2.

b. The Administrator may deny a request or condition approval for vegetation alteration proposals for view maintenance if it is determined that the action will result in an adverse effect to any of the following:

i. Slope stability;

ii. Habitat value;

iii. Health of surrounding vegetation;

iv. Risk of wind damage to surrounding vegetation;

v. Nearby surface or ground water; or

vi. Water quality of a nearby water body.

4.1.3.12 Vegetation Alteration Standards – Commercial and Industrial Development in Shoreline Buffers

Minor clearing, grading, or construction may be approved within the Shoreline Buffer for a commercial or industrial development with approval of the Administrator pursuant to Section 4.1.3.7(1)(a) and only for the following activities as prescribed below and pursuant to Section 4.1.4, Land Modification:

1. Primary appurtenant structures to a commercial use that either support public access or are necessary to support a water-dependent use shall be allowed within the buffer when the applicant has demonstrated a need for the shoreline location, except that all structures are prohibited in Zone 1 when upland of a Priority Aquatic designation.
2. When appurtenant structures are allowed they must be the minimum necessary to meet the needs of the water-dependent use or public access requirements of Section 4.2.4, Public Access.

4.1.3.103 Vegetation Alteration Standards – Public Park Development in Shoreline Buffers

Minor clearing, grading, or construction may be allowed within the Shoreline Buffer for a public park development with approval of the Administrator consistent with the following or pursuant to Section 4.1.3.7:

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1. Vegetation clearing and maintenance is allowed in accordance with Best Management Practices and the standards of this Program.
2. Maintenance of existing public trails, provided the vegetation trimming is limited to four (4) feet on either side of the trail and no significant trees are removed.
3. Alterations that are included in a Park Development or Concept Plan. Minor clearing, grading, or construction for which the size and extent of proposed disturbed areas located within the Shoreline Buffer have been determined as part of a park development plan or concept park plan, with due consideration of the intended park use; and provided all proposed disturbance areas meet the no net loss standards pursuant to in accordance with Section 4.1.2. Environmental Impacts; and provided appropriate permits are obtained, including those pursuant to Section 4.1.4, Land Modification;
4. Alterations that are not part of a Park Development or Concept Plan. The following minor clearing, grading, or construction activities may be allowed without an approved park development plan or conceptual park plan:
 - a. Maintenance of existing public trails is allowed, provided maintenance is limited to the existing size of the trail, any vegetation trimming is limited to four (4) feet on either side of the trail, and no significant trees are removed.
 - b. New public pathways or trails to the shoreline provided it is demonstrated that the size and extent of the public pathways has been determined with due consideration of the intended park use.
 - c. Structures.
 - i. Primary appurtenant structures to a public park and recreational use that either support public access or are necessary to support a water-dependent recreation use shall be allowed within the Shoreline Buffer when a need for the shoreline location is demonstrated, except that all structures are prohibited in Zone 1 when upland of a Priority Aquatic designation. When appurtenant structures are allowed, they must be the minimum necessary to meet the needs of the water-dependent use or public access requirements of Section 4.2.4, Public Access.
 - ii. The total square footage of all buildings or structures must not exceed 6,000 square feet or 10% of the Shoreline Buffer area, whichever is less.
 - A. Only 10% of the total allowed square footage or 1,000 square feet, whichever is less, can be located in Zone 1.
 - iii. All structures must be designated to not significantly impact views from adjoining property primary buildings.
 - iv. All structures must meet the following standards:
 - A. Only water-related recreational furniture, amenities and structures are allowed in Zone 1, including but not limited to, picnic tables, benches, interpretive kiosks, viewing platforms, boardwalks,

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pervious trails or staircases, recreational furniture, signs, pervious trails, and staircases are not included in the maximum square footage allocations prescribed in subsection 4.c.ii, above;

- B. Accessory recreation buildings, including restrooms, picnic pavilions and service roads that serve such structures may be allowed in Zone 2 and buildings shall not exceed 12 feet in height above existing grade;
- C. Stairways may exceed 300 square feet, provided that it is demonstrated that a greater area is necessary to meet public access and public use demands. Stairways shall conform to the standards of the Building Code as adopted in BIMC Chapter 15.04.; and
- D. Boat ramps and other boating facilities may be allowed pursuant to Section 5.4, Boating Facilities.

4.1.3.14 Regulations – Shoreline Structure Setback View Requirement

1. To protect existing predominate shoreline views and accommodate shoreline views for a new single-family primary residential structure or addition to a primary residential structure, the Administrator may allow Zone 2 of the Shoreline Buffer to be altered when there is an existing primary residential structure located within 100 feet of the property line of the subject property and topographical or other relevant information indicates that the view of the shoreline from the subject property or the adjacent residence would be impacted by existing or proposed development. The shoreline structure setback line may also require that new structures be set farther away from the shoreline to preserve existing views enjoyed by an adjoining single-family primary structure that was established earlier. These provisions apply to single-family residences only, except in the Point Monroe District.
 - a. Setbacks for the purpose of this subsection are based on the location of primary residential structure(s) existing at the time a new primary residential building permit is submitted. A primary residential structure constructed in compliance with the required shoreline setback is not made nonconforming by the later construction of a primary residential structure in a different location on an adjoining lot.
 - b. The shoreline structure setback provisions apply only to primary single-family residential structures located within the 200-foot shoreline jurisdiction, where an existing primary single-family residential structure is located within 100 feet of the subject property line. All measurements are to the closest primary residential structure on either side of the subject property as measured parallel to the shoreline.
 - c. In determining the shoreline structure setback line, the Administrator may also consider topography or other physical property constraints in addition to the provisions of subsection 4 and 5, below. Applicants may submit detailed information regarding how property constraints impact the predominate

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shoreline views from either the subject property's proposed primary residential structure or adjoining properties' primary residential structure(s).

2. The Shoreline Buffer on the subject property may be reduced below the depth requirements identified in Table 4-3 to allow a new primary residential structure to be located within Zone 2 provided the conditions in Section 4.1.3.7(2) are met. Mitigation of proposed residential development shall be required pursuant to Section 4.1.2, Environmental Impacts.
3. In no case shall the subject property be permitted to locate a new primary residential structure within the site's specified Zone 1 of the Shoreline Buffer, unless a Shoreline Variance is granted.
4. Adjoining Development Located Within Shoreline Buffer. The setback requirement for the subject property shall be based on the location of the adjoining properties' primary residential structure(s) as described in subsections (a) through (d) below.
 - a. Primary Residential Structure Located on One Side. When an existing primary residential structure is located on one side of the subject property, the shoreline structure setback line shall be determined as follows:
 - i. If the adjoining primary residence is partially or wholly located within Zone 2, the shoreline setback line is determined by drawing a line from the most waterward point of the adjoining primary residential structure to the point at which the subject property's Shoreline Buffer boundary intersects the subject property's opposite property line. (See Figure 4.1.a below).
 - ii. If the adjoining primary residence is located partially or wholly in Zone 1, the shoreline structure setback line shall be determined by drawing a line from the point of intersection of the subject property and the adjoining property's Zone 1 boundary, to the point at which the subject property's Shoreline Buffer boundary intersects the subject property's opposite property line. (See Figure 4.1.b, below).
 - b. Primary Residential Structure Located on Both Sides. When existing primary residential structures are located on both sides of the subject property, the shoreline structure setback line shall be determined as follows:
 - i. If both the adjoining primary residential structures are located partially or wholly in Zone 2, then the shoreline structure setback line shall be determined by drawing a line between the most waterward points of each of the adjoining primary residential structures. (See Figure 4.1.b, below)
 - ii. If one of the adjoining primary residences is partially or wholly in Zone 1, and the other adjoining primary residence is partially or wholly in Zone 2, the shoreline structure setback line shall be determined by drawing a line from the point of intersection of the subject property and the adjoining property's Zone 1 boundary (for that adjoining residence located in Zone 1), to the most waterward point of the other adjoining primary residential structure located in Zone 2. (See Figure 4.1.b, below).

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